



THE EMPRESS DOWAGER TZEHI.

THE INTERNATIONAL RELATIONS OF THE CHINESE EMPIRE

BY
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"THE GILDS OF CHINA," ETC.

VOLUME II
THE PERIOD OF SUBMISSION
1861-1893

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PREFATORY NOTE

TO VOLUMES II AND III

ON finishing, in 1910, the first volume of this history I labelled it "The Period of Conflict" for two reasons. I was not, at the time, fully assured that I should be able to continue it beyond the year 1860, then reached, and was consequently reluctant to mark it as the first of a series which might not be completed. Besides this, however, I was so strongly impressed by the continuity of the conflict between China and the West, from the day of Lord Napier's arrival in 1834 to the final settlement made by the several conventions of Peking in 1860, that to me, as I wrote, the sub-title seemed an essential part of the title.

I have now carried the history of the International Relations of the Chinese Empire more or less completely to the downfall of the empire in 1912. As I wrote it, I was impressed, as strongly as in writing the first volume, by a marked division into two periods. In the first, from 1860 to the outbreak of the war between China and Japan, the Chinese government accepted submissively the results of the treaty settlement of 1858 and 1860; the semi-autonomous provinces might, and did, try to regain, by interpretation of treaties, rights of taxation and administration which had been lost by war and negotiation; but, on the whole, the central administration accepted the treaties and tried to carry out their provisions. On the other hand, during those twenty-five years, no national attempt was made to reform the administration of the empire, to organise its resources, or to strengthen its defences; and, when the empire came to the test, it was found wanting. The second volume, covering the history of these years, I have felt impelled to label "The Period of Submission."

After this the downward progression of the empire was

rapid. The result of the war with Japan ; the aggressive action of foreign powers in seizing enclaves in 1898 ; the mad episode of the Boxer outbreak in 1900 ; the war in 1904-5 between two foreign powers, fought on Chinese soil to decide which of the two should dominate three provinces of the empire, while China looked on helpless ; these followed in rapid succession to demonstrate the disorganisation and powerlessness of the empire ; and at the end of each of the four episodes China could only accept such terms as were imposed on her. The Manchu Empire of the Tsing was abased and discredited, and, after futile and belated attempts at constitutional reform, it fell, leaving to the republic which succeeded it a heritage of corrupt administration and a status of subjection to the foreign powers. The third volume, covering this period, I have labelled "The Period of Subjection."

In undertaking this work my first idea was to make my central figures Sir Robert Hart and the great Customs Service which he had organised, and, with them as the connecting thread, to work out the history of China's international relations. With those relations both the man and the service were, under the empire, in constant touch ; and when I wrote to Sir Robert Hart for his approval and support, he expressed his approval of the idea, but in characteristically modest terms :

"I know that I have been in touch with the launching and introduction of almost everything done the last four dozen years, and the long retention of the same man, myself, in the same position, Inspector General, has not only made for continuity, but has also given me a sort of causative appearance, while, as a matter of fact, I have been for the most part but a ' fly on the wheel ' of evolution. Therefore it would be unwise to make too much of me, while, at the same time, my name and career might perhaps be as appropriate a centre as you could find for logical, chronological, and artistic grouping of China's doings and movements during the last half-century of her national life, and advance from seclusion and exclusion towards what later historians will recognise both as world power and world influence. Further, having spent so many years in China yourself, you have an acquaintance with both the matter and form of the innerness of things that hardly any other with similar qualifications could command, and I should like to live long enough to read the book you propose writing, for I am sure it will be well done, and well worth perusal and study. I fear, however, even an advance copy will have to be addressed to ' Paradise Row, Hades, to be called for ! ' " [R. Hart to H. B. Morse, Peking, Dec. 20th, 1906.]

He then gave me permission to use his letters and despatches; his diary (74 volumes) he wished first to look through, in order that he might write a memorandum for my guidance in using it—"However, as I propose going home next year before summer, and shall take the said journals with me, I'll try to have them in readiness to hand to you as a loan when you arrive in Europe yourself."

In the end I did not get the diary, and some important blocks of letters were not at my disposal; and without this missing material it would be out of the question to write the historical biography which I had planned. I have therefore, to my great regret, been compelled to substitute a history for the biography, but a history which, from point to point, I have been able to illustrate by the comments of Sir Robert Hart, culled from the correspondence which I have had placed at my disposal. To those recipients of Sir Robert Hart's letters who have joined with the writer of the letters in allowing me to use this material, I beg to express my deep sense of obligation.

In the preface to the first volume, "The Period of Conflict," I explained that it was my "intention to give the events of the period such relative importance as they deserve; to lay no undue stress on picturesque episodes, even though they might help to lighten the narrative; and, knowingly, to omit none of those minor occurrences which, dull and uninteresting though they might be, were still important elements in moulding the opinions and guiding the actions of the principal actors on the scene." The same course has been followed in these volumes. The siege of the legations at Peking in 1900 is a noteworthy example. The temptation was strong to write a picturesque and detailed account of the most startling event in the century then just closing, in which the siege of the Residency at Lucknow is perhaps the only event which can be placed in the same category. Full accounts have, however, been given to the public by others, to whose writings I have referred the reader in my footnotes; and, if I had duplicated their work, the true object of my writing would have been missed. The general reader might, perhaps, prefer the striking narrative; but to the serious student of history the one important object is to work out the causes of acts and the motives of the actors,

and these can only be seen from a comparison of the synchronism of events occurring within Peking, at Tientsin, on the Yangtze and at Shanghai, and in the capitals of the foreign powers allied temporarily to rescue their besieged envoys. Synchronous events I have tried to bring together, hoping that the student will prefer this method, even at the cost of interrupting the flow of the narrative of occurrences at any one place.

Instructed friends of China have generally been hopeful of her future. Among them it may confidently be said that the most friendly and the wisest in counsel was Sir Robert Hart, who, in the letter cited above, wrote as follows: "I am not down-hearted about the future . . . of this country. . . . The country will stagger onwards through all sorts of mistakes, but it will be an advance always, and, provided wisdom increases with strength, I don't think the latter will be misused more than, or even as much as is the case, elsewhere." This present history demonstrates, in its writer's opinion, that the Manchus contributed but little to the reorganisation and development of their empire; and that advance—progress—reform must proceed from the work of the government or governments which will follow the Ta-Tsing dynasty. That reform and development may bring an end to corruption, disorganisation and weakness is the fervent wish of every friend of China.

My thanks are due to several of my friends who have read over some chapters narrating events in which they were principals, and whose suggestions have been of great value. For the Period of Conflict I was much indebted to the criticism of my friend, the late Mr. William Cartwright; and for these later volumes, covering the period of his work in China, his suggestions and criticisms must have been of the greatest value.

I beg also to express my sense of obligation to the British Foreign Office and the American State Department which generously placed at my disposal their published papers relating to China.

H. B. M.

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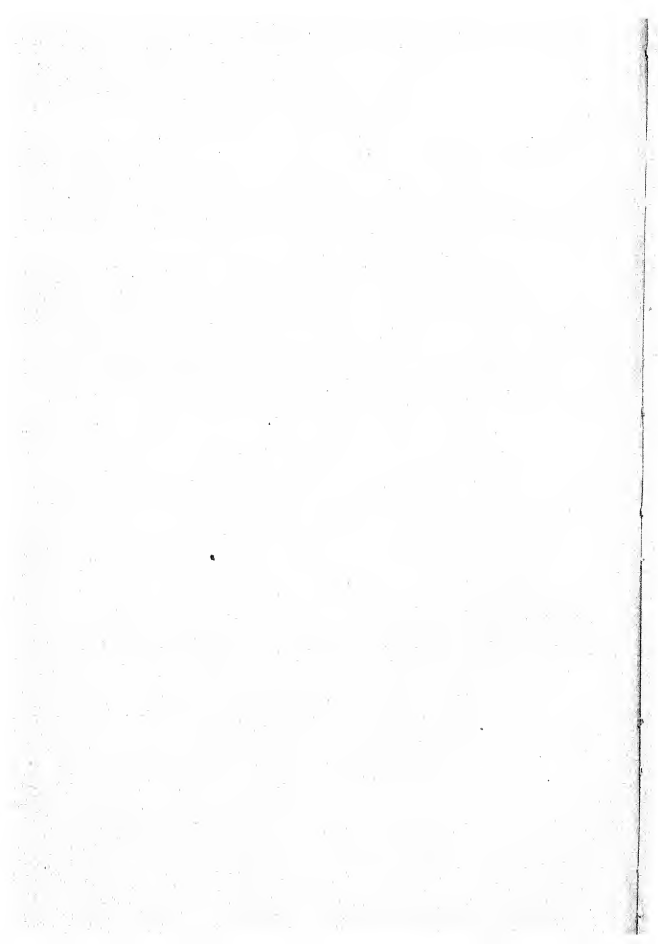
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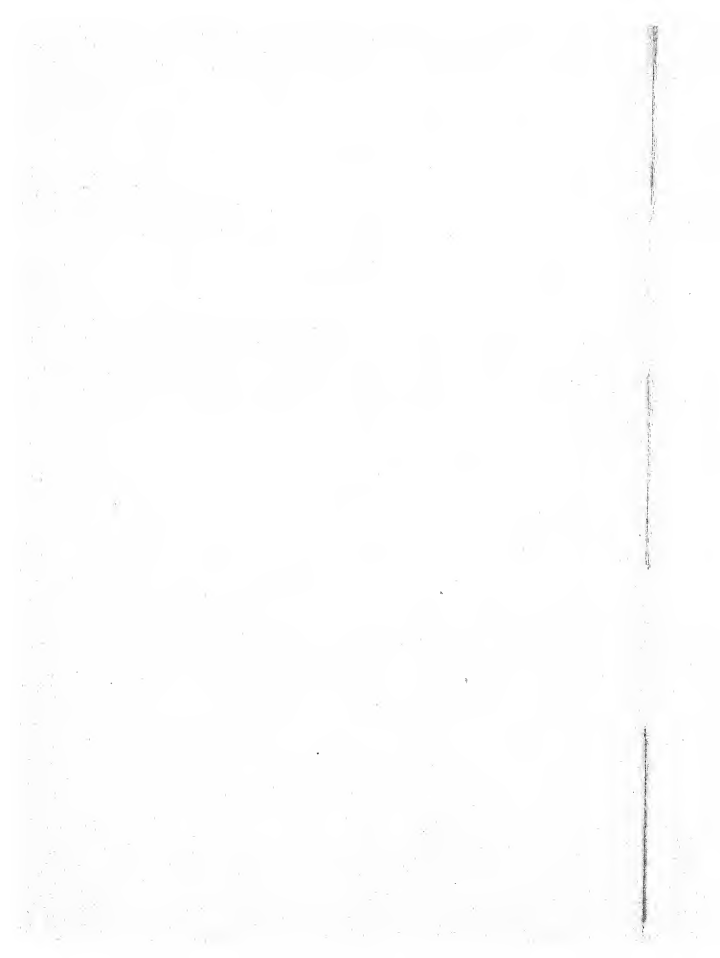
THE EMPRESS DOWAGER TZEHI	<i>Frontispiece</i>
From a portrait painted in 1903 by Miss Katharine A. Carl, and presented by the Empress in 1904 to the American People. Reproduced by the kind permission of the artist and of The Century Co., New York.	
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CHRONOLOGY

1853-1912

1853. Sept. 7th. Shanghai city taken by Triad rebels.
 Sept. 17th. Bonds required for customs duties.
 Oct. 28th. Bond system declared inoperative.
1854. May. Customs offices established inland, around Shanghai.
 June 29th. Agreement to appoint Inspectors of customs.
 July 12th. Reopening of Shanghai custom-house under Inspectors.
1855. Feb. 17th. Triad rebels driven from Shanghai city.
1856. Oct. 8th. Outrage on lorch*a Arrow* at Canton.
1858. June. Treaties of Tientsin signed.
 Sept. France and Spain enter on war with Annam.
 Nov. 8th. Rules of Trade and tariff agreed to.
1859. Oct. Canton custom-house opened by Mr. H. N. Lay.
1860. Feb. Contract emigration sanctioned at Canton and Swatow.
 July. Tseng Kwo-fan appointed viceroy and High Commissioner.
 July 17th. F. T. Ward captures Sungkiang by assault.
 Sept. 22nd. Court fled from Peking to Jehol.
 Oct.-Nov. Conventions of Peking signed.
1861. Jan. 21st. Mr. H. N. Lay appointed Inspector General of Customs.
 March 25th. Foreign envoys enter into residence at Peking.
 June 30th. Mr. R. Hart and Mr. G. H. Fitz-Roy in temporary charge of customs.
 Aug. 22nd. Death of Emperor Hienfeng; accession of Tungchih; Board of Regency appointed.
 Sept. 2nd. Prussian and North German treaty signed at Tientsin.
 Nov. 4th. Tze*hi* and Prince Kung usurp control of government; Tze*hi* and Tze-an empresses-dowager-regent.
 Nov. 8th. Sushun and princes executed; other ex-regents degraded.
 Dec. 9th. Ningpo taken by Taiping forces.
1862. ——— Tungwenkwan (School of Languages) established at Peking.

1862. Jan. 11th. Taiping forces threaten Shanghai and Sungkiang.
 Jan. 15th. Latter defeated by Ward at Kwangfuling.
 Feb. 25th. Former defeated by mixed force at Kaokiao (Kajow).
 March 1st. Taipings defeated at Nankiao (Najow); title of "Ever-Victorious Army" bestowed on Ward's force. Thirty-mile radius around Shanghai marked out.
 March 4th. Russo-Chinese convention regulating land trade.
 March 14th. Mr. Lay instructed to equip a steam fleet.
 April. Mixed force clears country around Shanghai.
 May 10th. Ningpo recaptured by British and French ships.
 May 13th. Separate French settlement at Shanghai organised.
 May 17th. Action at Nankiao; French adm. Protet killed.
 June 5th. Franco-Hispano-Annamese treaty signed at Saigon.
 July. Li Hung-chang appointed governor of Kiangsu.
 July. Franco-Chinese contingent formed.
 Aug. 11th. Yüyao taken by mixed force.
 Aug. 13th. Portuguese treaty signed; ratification refused.
 Aug. 26th. Shanghai threatened by Taiping force.
 Sept. 21st. Tzeki taken by assault; Ward mortally wounded.
 Oct. Li Hung-chang assumes control of E.-V. Army. Burgevine appointed to command.
 Oct. 24th. Kiating taken by mixed force.
 Nov. 19th. E.-V. Army routs Taipings at Paihokang.
 Nov. 28th. Franco-Chinese contingent takes Shangyu.
 1863. Jan. 15th. Burgevine dismissed; Holland in temp. command of E.-V. Army.
 Jan. 17th. Franco-Chinese contingent repulsed at Shaohing; Le Brethon killed.
 Feb. 10th. E.-V. Army defeated at Taitsang.
 March 18th. Franco-Chinese contingent takes Shaohing.
 March 25th. Gordon assumes command of E.-V. Army.
 April 2nd. E.-V. Army breaks up siege of Changshu.
 May 1st. E.-V. Army takes Taitsang by assault.
 June 1st. E.-V. Army takes Kunshan.
 July 13th. Danish treaty signed at Tientsin.
 July 20th. Foreign merchants ask permission to build Shanghai-Soochow railway.
 July 27th. E.-V. Army takes Wukiang.
 Aug. 2nd. Burgevine enters Taiping service.
 Aug. 23rd. Macartney's Sungkiang levies take Fengking.
 Sept. Osborn and Anglo-Chinese fleet arrive in China.
 Sept. 21st. English and American settlements at Shanghai amalgamated.

1863. Oct. 6th. Netherlands treaty signed at Tientsin.
 Oct. 15th-17th. Burgevine and followers surrender to Gordon.
 Nov. 15th. Mr. Lay dismissed; Mr. Hart appointed Inspector General.
 Dec. 4th. Soochow surrendered to imperialists.
 Dec. 5th. Eight Taiping leaders beheaded by Li Hung-chang.
 Dec. 9th. Gordon removes E.-V. Army from Chinese control.
1864. — Rising in Turkestan against Chinese government.
 Jan. 30th. Gordon and E.-V. Army again take the field.
 March 1st. E.-V. Army takes Iking.
 March 20th. E.-V. Army repulsed at Kintan.
 March 20th. Imperialists under Chen take Kashing.
 March 31st. Franco-Chinese force and imperialists take Hangchow.
 April 11th. E.-V. Army defeats Taipings at Hwaishu.
 May 11th. E.-V. Army takes Changchow by assault.
 May 31st. E.-V. Army mustered out at Wanshan.
 June. Burgevine again joins Taipings.
 July 19th. Tseng Kwo-fan takes Hanking; Taipings disperse.
 Oct. 7th. Russo-Chinese protocol of Chuguchak delimiting frontier.
 Oct. 10th. Spanish treaty signed at Tientsin.
1865. — Hongkong and Shanghai Banking Corporation founded.
 — Shanghai-Wusung railway first projected.
 April. First degradation of Prince Kung.
 May. Burgevine taken prisoner and done to death.
 Aug. Inspectorate of Customs definitely established at Peking.
 Nov. 2nd. Belgian treaty signed at Peking.
1866. — Pinchun accompanies Mr. Hart to Europe.
 — Mohammedan rebellion in Ili.
 — Yakub Beg ruler over Kashgar and Yarkand.
 — Dungan rebellion in eastern Turkestan and Kansu.
 March 5th. Anglo-Franco-Chinese convention on Emigration signed; not ratified.
 Oct. 26th. Italian treaty signed at Peking.
 Oct.-Nov. French naval expedition to Korea.
1867. — Tso Tsung-tang opens campaign against rebellion in north-west.
 Jan. American war-ship visits Korea.
 May 28th. British envoy calls for reports on treaty revision.
 June. Three provinces of CochinChina annexed by France.

1867. Oct. 12th. Tsungli Yamen issues circular on treaty revision.
Dec. 31st. Mr. A. Burlingame, Chihkang and Sun Chia-ku commissioned as Envoys Extraordinary.
1868. March. American war-ship visits Korea.
June 28th. Mr. Burlingame's "Plant the Shining Cross" speech at New York.
July 28th. American-Chinese treaty signed at Washington.
Aug. Nienfei in Shantung routed by Li Hung-chang.
Aug. 22nd. Anti-missionary riot at Yangchow.
Dec. 28th. Lord Clarendon's declaration of British policy in China.
1869. ——— Second disgrace of Prince Kung.
April 27th. Russo-Chinese convention regulating land trade signed at Peking.
May. Russian war-ship visits Korea.
May. British government postpones full treaty revision.
June. German diplomatic essay in Korea.
Sept. Anti-Christian manifesto emanating from Hunan.
Sept. 2nd. Austro-Hungarian treaty signed at Peking.
Oct. 23rd. Anglo-Chinese convention signed at Peking; not ratified.
Nov. 17th. Suez Canal opened to traffic.
1870. ——— Beginning of Tso Tsung-tang's siege of Suchow, Kansu.
Jan. 16th. Bismarck's declaration of German policy in China.
Feb. 23rd. Death of Burlingame at St. Petersburg.
May. Reports of kidnapping at Tientsin.
June 21st. Massacre of French consul and others at Tientsin.
July-Aug. Unrest at Nanking and elsewhere.
Aug. 3rd. Funeral of victims of Tientsin massacre.
Aug. 24th. Viceroy at Nanking assassinated.
Oct. 19th. Execution of sixteen Chinese convicted of Tientsin murders.
1871. ——— Russian troops occupy Kuldja and territory of Ili.
May-July. American naval expedition to Korea.
June 3rd. Telegraph cable opened to Shanghai.
Aug. Imp. decree sanctions Educational Mission to U.S.A.
Sept. 13th. Japanese-Chinese treaty signed at Tientsin.
Nov. 23rd. Chunghow declares China's regret to Pres. Thiers.
1872. ——— Death of Tseng Kwo-fan.
March. Shanghai-Wusung tramway projected.
Sept.-Nov. French attempt at treaty revision.
Oct. 15th. Marriage of Emperor Tungeh.

1873. ——— Equipment of emigrant ships at Hongkong prohibited.
 ——— China Merchants Steam Navigation Co. founded.
 Feb. 23rd. Regency ended; Tungchih assumes government.
 June 29th. Envoys received in audience for first time.
 Oct. Suchow, Kansu, taken by Tso Tsung-tang.
 Nov. 20th. Garnier takes citadel of Hanoi by assault.
1874. ——— Commission of inquiry into condition of emigrants to Cuba.
 March. China prohibits emigration from Macao.
 March 15th. Franco-Annamese treaty of Peace and Alliance signed at Saigon.
 April. Japanese expedition to Formosa.
 May 3rd. Riot in French settlement at Shanghai.
 June 26th. Peruvian treaty signed at Peking.
 Aug. 22nd. Mr. Margary left Shanghai for Burma frontier.
 Aug. 31st. Franco-Annamese commercial treaty signed.
 Sept. Third degradation of Prince Kung.
 Oct. 31st. Chinese-Japanese agreement regarding Formosa.
1875. ——— Tso Tsung-tang halts at Hami to grow corn.
 Jan. 12th. Death of Tungchih; accession of Kwanghsü; resumption of regency by Tzehi.
 Jan. 17th. Mr. Margary arrives at Bhamo.
 Feb. 6th. Col. Browne's expedition leaves Bhamo.
 Feb. 21st. Margary and five Chinese murdered.
 Feb. 26th. Col. Browne's expedition returns to Bhamo.
 March. Portugal prohibits emigration from Macao.
 March 19th. British envoy formulates terms of reparation.
 May. Japan asserts jurisdiction over Liuchiu Islands.
 Aug. 11th. British envoy increases his demands on China.
1876. ——— Beginning of great Shansi famine.
 Jan. Japanese naval expedition to Korea.
 Feb. 23rd. Chinese protest against Shanghai-Wusung railway.
 Feb. 26th. Treaty signed between Japan and Korea.
 March. Germany moves for revision of treaty with China.
 March 20th. Inquiry at Yunnanfu into murder of Margary.
 May 26th. Death of Wensiang.
 June. British envoy strikes legation flag at Peking.
 June 30th. First trains run on Shanghai-Wusung railway.
 Sept. 13th. Anglo-Chinese convention signed at Chefoo.
 Oct. 24th. Chinese authorities buy Shanghai-Wusung railway.
 Nov. Manas taken by Tso Tsung-tang; end of Dungani rebellion.
1877. Winter. Yakub Beg defeated at Turfan and Korla.
 Feb. 8th. First Chinese envoy to London presents credentials.

1877. May. Death of Yakub Beg.
Autumn. Kashgar and Yarkand taken by Tso Tsung-tang.
Oct. 21st. Wusung railway handed over to Chinese; torn up.
Nov. 17th. Spanish convention on Emigration to Cuba signed at Peking.
Nov. 28th. First Chinese envoy to Berlin presents credentials.
1878. ——— Kaiping coal mine opened.
Jan. 2nd. Khotan taken by Tso Tsung-tang; rebellion ended.
May 6th. First Chinese envoy to Paris presents credentials.
July. Russia summoned to restore Ili to China.
Oct. 28th. First Chinese envoy to Washington presents credentials.
Dec. Customs Postal Department opened.
1879. Jan. 20th. Chunghow presents credentials at St. Petersburg.
Sept. 15th. Russo-Chinese treaty on Ili signed at Livadia.
Nov. 8th. Foreign legations urge reform of inland transit.
1880. Jan. 3rd. Treaty of Livadia denounced by China.
March 3rd. Chunghow condemned to death; later reprieved.
March 21st. German-Chinese convention signed at Peking.
June 4th. C. G. Gordon invited to China.
July 30th. Tseng Ki-tse arrives in St. Petersburg.
Aug. 9th. Gordon leaves Peking.
Oct. 26th. E. Page, customs officer on duty, shoots a Chinese.
Nov. Telegraph land lines sanctioned by imp. decree.
Nov. 17th. American-Chinese treaty on emigration signed at Peking.
Nov. 17th. American-Chinese treaty on commerce signed at Peking.
1881. ——— Tongshan tramway completed.
——— Educational Mission to U.S.A. recalled.
Feb. 15th. Trial of E. Page for manslaughter.
Feb. 24th. Russo-Chinese treaty on Ili signed at St. Petersburg.
April 9th. Death of Empress-dowager Tze-an.
May 24th. Li Hung-chang writes letter denouncing opium trade.
June 9th. First trip of *The Rocket of China*.
July. China recognises Japanese jurisdiction over Liuchiu.
Oct. 3rd. Brazilian treaty signed at Tientsin.
Dec. 1st. First telegraph line, Shanghai-Tientsin, opened.
1882. March 25th. Rivière occupies Hanoi by a garrison.
May 22nd. Treaty signed between America and Korea.

1882. July 23rd. Anti-Japanese riot at Seoul, Korea.
 1883. Spring. Yuen Shih-kai appointed Chinese Resident at Seoul.
 Spring. Mr. P. G. von Möllendorff Chief Commissioner
 of Korean customs.
 May 15th. French Chamber votes credit for Tongking war.
 Aug. 12th. Logan case, homicide, at Canton.
 Aug. 25th. Annam accepts French protectorate.
 Sept. 10th. Riot at Canton, houses burned on Shameen.
 Dec. 16th. French take Sontay, garrisoned by Chinese troops.
 1884. April 8th. Fourth degradation of Prince Kung.
 May 11th. Li-Fournier convention signed at Tientsin.
 June 6th. Franco-Annamese treaty signed at Hué.
 June 23rd. Combat of Baclé; French defeated.
 July 12th. French ultimatum presented at Peking.
 Aug. 5th. Adm. Lespès attacks forts at Kelung.
 Aug. 23rd. Adm. Courbet destroys Chinese fleet at Foochow.
 Oct. 23rd. Adm. Courbet declares blockade of Formosa.
 Dec. 4th. Coup d'état and riot at Seoul.
 Dec. 5th. Conflict between Chinese and Japanese guards at Seoul.
 1885. March 3rd. American government returns balance of 1858 indemnity.
 Feb. 26th. French declare rice contraband of war.
 April 4th. Peace protocol signed at Paris.
 April 18th. Japanese-Chinese convention on Korea signed at Tientsin.
 May 12th. Port Hamilton occupied by British naval forces.
 June 9th. Franco-Chinese treaty signed at Tientsin.
 June 10th. Sir R. Hart gazetted British Envoy Ext. and Min. Plen. to China.
 Summer. Möllendorff recalled from Korea.
 July 18th. Anglo-Chinese agreement on opium signed at London.
 Aug. 15th. Sir R. Hart resigns post of Inspector General of Customs.
 Sept. 5th. Death of Tso Tsung-tang.
 Oct. Mr. H. F. Merrill Chief Commissioner of Korean customs.
 Nov. 2nd. Sir R. Hart resumes duty as Inspector General.
 Dec. Mr. O. N. Denny appointed adviser to king of Korea.
 1886. April 25th. Franco-Chinese convention on frontier trade signed at Tientsin.
 July 24th. Anglo-Chinese convention on Burma and Tibet signed at Peking.
 Sept. 11th. Hongkong agreement on opium and junk trade signed.
 1887. Jan. Marquis Tseng's "China: the Sleep and the Awakening."

1887. Feb. 7th. Emperor Kwanghsü comes of age.
 Feb. 27th. British occupation of Port Hamilton ends.
 March. First sod turned for Formosa railway.
 March 15th. Memorial to throne advocating railways.
 March 26th. Macao protocol signed at Lisbon.
 June 26th. Franco-Chinese convention on frontier trade signed at Peking.
 July 1st. Hongkong and Macao junk trade under Inspectorate of Customs.
1888. Dec. 1st. Portuguese-Chinese treaty signed at Peking.
 Jan. 2nd. Bonded warehouses established at Shanghai.
 Aug. Railway opened, Tientsin to Tongshan.
 Dec. Mr. Denny retires from post of adviser to king of Korea.
1889. Feb. 5th. Anti-foreign riot at Chinkiang.
 Feb. 26th. Marriage of Emperor Kwanghsü.
 March 4th. Emperor assumes power; regency terminated.
1890. March 17th. Anglo-Chinese convention on Sikkim-Tibet signed at Calcutta.
 March 31st. Anglo-Chinese convention on Chungking signed at Peking.
 Nov. 27th. Chang Chih-tung formally opens Hanyang Iron-works.
1891. March 5th. Foreign envoys received in audience by emperor.
 May-June. Many anti-missionary riots in Kiangsu and on Yangtze.
 Sept. 2nd. Anti-missionary riot at Ichang.
1892. May 21st. Imp. decree prohibits anti-foreign publications.
 Nov. 26th. Anti-foreign riot at Ichang.
1893. June. Imp. decree sanctions extension of railway into Manchuria.
 July 1st. Two missionaries murdered at Sungpu.
 Dec. 19th. Medical school opened at Tientsin.
1894. March 1st. Anglo-Chinese convention on Burma and Tibet signed at London.
 March 17th. Chinese immigration into U.S.A. prohibited for ten years.
 March 28th. Korean Kim Ok-kiun murdered at Shanghai.
 March 29th. Tonghak adherents present petition at Seoul.
 May. Bubonic plague appears at Canton.
 May 18th. Tonghak rebellion breaks out in Korea.
 June. Sun Yat-sen memorialises throne advocating reform.
 June 6th. First Chinese troops sent to Korea.
 June 10th. First Japanese troops landed in Korea.
 June 28th. Japanese demand recognition of independence of Korea.
 July 6th. China makes first appeal for intervention.
 July 23rd. Japanese troops seize Korean royal family.
 July 25th. Japanese sink *Kowshing* with Chinese troops.
 July 28th. Korea declares war on China.

1894. July 29th. Japanese defeat Chinese force at Yashan.
 Aug. 1st. China and Japan both declare war.
 Sept. 16th. Japanese defeat Chinese at Pingyang.
 Sept. 17th. Naval battle of the Yalu (Haiyangtao).
 Oct. 6th. China makes second appeal for intervention.
 Oct. 24th. Japanese forces cross the Yalu.
 Oct. Prince Kung again at head of government.
 Nov. 3rd. Prince Kung makes third appeal for intervention.
 Nov. 6th. Talienwan occupied; Port Arthur invested.
 Nov. 7th. Empress-dowager Tze-hi's sixtieth birthday.
 Nov. 12th. Foreign envoys received in audience with fitting ceremony.
 Nov. 21st. Chinese defeated at Kinchow; Port Arthur taken by assault.
 Nov. 22nd. China makes fourth appeal for intervention.
 Nov. 26th. Mr. G. Detring arrives at Kobe on peace mission.
 Dec. 11th. Chinese defeated at Hsümencheng.
 Dec. 21st. Chang Yin-hwan and Shao Yu-lien appointed peace commissioners.
 Dec. 26th. Li Hung-chang removed from viceroyalty and deprived of honours.
1895. Jan. 20th. Japanese land in Shantung.
 Jan. 26th. First assault on Weihaiwei.
 Feb. 2nd. Credentials of Chang and Shao rejected by Japanese.
 Feb. 12th. Weihaiwei and Chinese fleet surrendered.
 Feb. 15th. Li Hung-chang appointed ambassador extraordinary.
 Feb. 16th. Chinese defeated at Haicheng.
 Feb. 19th. Wang Wen-shao replaces Li Hung-chang as viceroy.
 March 4th. Japanese occupy Liaoyang.
 March 6th. Japanese occupy Yingkow (Newchwang).
 March 19th. Li Hung-chang arrives at Shimonoseki.
 March 24th. Li Hung-chang wounded by Japanese fanatic. Japanese take Pescadores.
 March 30th. Armistice for the north agreed to.
 April 17th. Japanese-Chinese treaty of peace signed at Shimonoseki.
 April. Kang Yu-wei presents memorial advocating reform.
 May 24th. Independence of republic of Formosa declared.
 May 29th. Anti-missionary riots in Szechwan.
 June 2nd. Formosa officially handed over to Japan.
 June 9th. Tamsui occupied by Japanese.
 June 20th. Franco-Chinese convention on frontier trade signed at Peking.
 July 6th. Contract for Franco-Russian loan (400,000,000 francs) signed.
 Aug. 1st. Massacre of missionaries at Kutien, Fukien.

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| 1895. | Nov. | Agreement for Russian railway to cross Manchuria. |
| | Nov. 8th. | Japanese-Chinese convention for retrocession of Liaotung. |
| 1896. | March 20th. | Chinese Imperial Post created by imp. decree. |
| | March 23rd. | First Anglo-German loan for £16,000,000 issued. |
| | June 2nd. | Coronation of Tsar; Li Hung-chang special ambassador. |
| | June. | Ineffective attempt to revise Chinese customs tariff. |
| | June. | Secret agreement made between China and Russia. |
| | July 21st. | Japanese-Chinese commercial treaty signed at Peking. |
| | Sept. 8th. | Russo-Chinese agreement for Chinese Eastern Railway signed at Berlin. |
| | Sept. 29th. | Russo-Chinese agreement on Manchuria signed at Peking. |
| | Oct. | Peking connected by railway with the sea. |
| 1897. | Feb. 4th. | Anglo-Chinese convention on Burma frontier signed at Peking. |
| | March 15th. | Declaration to France of non-alienation of Hainan. |
| | May 27th. | Belgian preliminary contract, Peking-Hankow railway. |
| | June 12th. | First French claim to build Tongking-Yunnanfu railway. |
| | Nov. 1st. | Two German missionaries murdered in Shantung. |
| | Nov. 14th. | German force seizes Tsingtau. |
| | Dec. 4th. | German troops occupy Kiaochow city. |
| | Dec. 18th. | "Mailed fist" speech of German Emperor. |
| | Dec. | Russian war-ships winter at Port Arthur. |
| 1898. | Jan. 8th. | Proposal for British government loan to China. |
| | Feb. 3rd. | Under Russian pressure British loan refused. |
| | Feb. 11th. | Declaration to England of non-alienation of Yangtze basin. |
| | Feb. 13th. | Declaration to England regarding Inspector General of Customs. |
| | Feb. 19th. | Bank contract for second Anglo-German loan. |
| | March 6th. | German-Chinese convention signed for lease of Kiaochow. |
| | March 8th. | First steamer reaches Chungking. |
| | March 27th. | Russo-Chinese convention signed for lease of Port Arthur and Talienwan. |
| | April 10th. | Declaration to France of non-alienation of southern provinces. France claims lease of Kwangchow-wan. |
| | April 14th. | American contract for Hankow-Canton railway. |
| | April 19th. | England formally disclaims interest in Shantung. |

1898. April 22nd. French flag raised at Kwangchow-wan.
 April 25th. Russia formally disclaims interest in Korea.
 April 26th. Declaration to Japan of non-alienation of Fukien.
 April 29th. Inland Waters Steam Navigation rules promulgated.
 May 13th. British contract for Shanghai-Nanking railway.
 May 17th. Russian contract for Shansi railway.
 May 21st. British contract for Shansi mines.
 May 29th. Death of Prince Kung.
 June. Publication of Chang Chih-tung's "Learn."
 June. Yü Man-tze heads rebellion in Szechwan.
 June. Rebellion, lasting five years, breaks out in Kwangsi.
 June 9th. Anglo-Chinese convention on extension of Hongkong territory signed.
 June 11th. Emperor's first decree on importance of reform.
 June 13th. Weng Tung-ho cashiered by Empress-dowager; Junglu appointed viceroy of Chihli.
 June 14th. Kang Yu-wei has personal audience of emperor.
 June 26th. Belgian final contract for Peking-Hankow railway.
 July 1st. Anglo-Chinese convention signed for lease of Weihaiwei.
 July 6th. Russo-Chinese convention signed on Manchurian railways.
 July 10th. Treaty between China and Congo Free State signed at Peking; not ratified.
 June 20th-Sept. 16th. Issue of the Reform Decrees.
 Sept. 7th. Li Hung-chang dismissed from office.
 Sept. 16th. Yuen Shih-kai summoned to Peking.
 Sept. 20th. Kang Yu-wei escapes from Peking.
 Sept. 22nd. Coup d'état: Emperor's person seized; Empress-dowager resumes power.
 Sept. 23rd. Kang Yu-wei proclaimed; Chang Yin-hwan banished.
 Sept. 26th. Counter-reformation begins.
 Sept. 28th. Decapitation of six leading reformers.
 Oct. 10th. Anglo-Chinese loan contract for northern railways.
 Oct. Legation guards brought to Peking for the winter.
 Nov. Tung Fu-siang's troops removed from Peking.
 Nov. Murder of Mr Fleming, British, in Kweichow.
 Nov.-Dec. Anti-foreign riots in Ichowfu, Shantung.
 1899. Jan.-April. Rebellions in northern Anhwei and northern Kiangsu.
 Jan. 20th. Yü Man-tze in Szechwan surrenders and is spared.
 Feb.-July. Risings in western Hupeh.
 Feb.-Aug. Water-way robbery (piracy) rife in Kwangtung.

1899. March. Massacre of Chinese by Russian troops in Liaotung.
- March. Unrest reported in Kansu and Sinkiang.
- March. Disturbances at Chinkiang and Yangchow.
- March 2nd. Italy demands naval station at Sanmen Bay.
- March 15th. Official status given to R.C. missionaries.
- March 22nd. German engineers attacked near Jihchao, Shantung.
- March 29th. German troops occupy Jihchao.
- April 15th. Hongkong extension resisted by Chinese inhabitants.
- April 17th. German-Chinese agreement, Chinese customs at Tsingtau.
- April 29th. Anglo-Russian agreement on Yangtze and Manchuria.
- May. Yü Man-tze again rebels in Szechwan; is suppressed.
- May. Secret society rising in southern Chihli.
- May. Hostages taken by Germans from Jihchao to Tsingtau.
- May-Nov. Hunghutze active in Manchuria.
- May 1st. Chinese troops sent from Chihli into Shantung.
- May 8th. Extension of International Settlement at Shanghai.
- May 21st. Kangyi appointed "Lord High Extortioner."
- May 26th. Imp. decree against menacing attitude of Italy and Germany. Boxer Society founded about this date.
- May 31st. Italy withdraws demand for naval station.
- June. Riots in Taichowfu, Chekiang.
- June. Riots at Kianning, Fukien.
- June 21st. Riot at Nanchang, Kiangsi.
- June 22nd. French consulate burned by mob at Mengtze, Yunnan.
- July-Aug. Other risings in Szechwan.
- Aug. Anti-French riot at Yunnanfu.
- Sept. Hostility to foreigners shown in eastern Hupeh.
- Sept. 4th. Emperor asks leave to abdicate.
- Sept. 6th. American note declaring for "open door" in China.
- Sept. 11th. Korean-Chinese treaty signed at Seoul.
- Oct. 21st. First public reference to Boxers.
- Oct. Disloyal sentiments reported in Shensi.
- Nov. Anti-foreign feeling rife in Kwangtung.
- Nov. Boxers dominate Shantung, spread into Chihli.
- Nov. 12th. French officers murdered near Kwangchow-wan.
- Nov. 13th. Yochow in Hunan opened to trade.
- Nov. 21st. Imp. decree orders provincial officials to resist foreign aggression.
- Dec. Serious rising at Pingsiang, Kiangsi.

1899. Dec. 2nd. Franco-Belgian contract for Honan railway.
 Dec. 4th-30th. Acceptances of American note on open door.
 Dec. 6th. Yühsien, governor of Shangtung, recalled;
 Yuen Shihkai appointed.
 Dec. 14th. Mexican-Chinese treaty signed at Washington.
 Dec. 19th. Li Hung-chang appointed to Canton viceroyalty.
 Dec. 31st. Mr. S. M. Brooks murdered at Mackiapu,
 Shantung.
1900. Jan. Secret societies active in northern Anhwei.
 Jan. 1st. Emperor pleads bad health.
 Jan. 5th. Franco-Chinese convention for lease of Kwang-
 chow-wan.
 Jan. 16th. Yühsien received in audience with marks of
 favour.
 Jan. 24th. Puchün, son of Prince Twan, appointed Ta-ah-ko
 (Prince Imperial).
 Jan. 27th. Extension of French Settlement at Shanghai.
 Jan. 31st. First day of ill-omened Keng-tze year of Chinese
 cycle.
 Feb. 2nd. German engineers attacked near Kaomi, Shan-
 tung.
 Feb. 28th. Murderers of Mr. Brooks tried and sentenced.
 March 13th. Foreign naval demonstration in Gulf of Pe-
 chihli.
 March 16th. Yühsien appointed governor of Shansi.
 March 21st. German-Chinese agreement on Shantung rail-
 ways.
 April 5th. Liu Kun-yi in audience gives good advice.
 April 15th. Satisfactory decree issued; naval demonstra-
 tion ended.
 May 8th. Alarming warning sent from Peking.
 May 12th.-14th. Boxers attack Chinese converts near
 Paotingfu.
 May 20th. Mgr. Favier gives warning of impending danger.
 May 28th. Peking-Paotingfu railway broken up.
 May 29th. Exodus of engineers from Paotingfu.
 May 31st. Legation guards brought up to Peking.
 June 1st. Mr. Robinson and Mr. Norman murdered at
 Yungtsing.
 June 4th. Envoys send home an urgent appeal for more
 guards.
 June 8th. Peking missionaries concentrated for safety.
 June 9th. Boxers active immediately around Peking;
 envoys requisition on admirals for addi-
 tional guards; last trains left Peking.
 June 10th. Adm. Seymour leaves Tientsin with mixed
 force; telegraphic communication with
 Peking cut.
 June 11th. Mr. Sugiyama of Japanese legation murdered.
 June 13th. Boxers begin burning and plundering inside
 Peking.

1900. June 14th. Boxers begin burning and plundering at Tientsin.
- June 14th. Last letter mail from Peking.
- June 15th. All mission churches at Tientsin destroyed.
- June 16th. Anti-Boxer memorial from Yangtze viceroys ; Adm. Seymour, blocked at Langfang, turns back ; admirals demand surrender of Taku forts ; last letter mail from Tientsin (received at Peking 18th).
- June 17th. Taku forts taken by assault, 6 a.m. ; Tientsin settlements attacked on all sides, 3 p.m.
- June 18th. Seymour's rear-guard attacked at Langfang by imp. troops.
- June 20th. At Peking : decision for war, 5 a.m. ; murder of Baron von Ketteler, 9 a.m. ; fire opened on legations, 4 p.m.
- June 20th. At Taku : reassuring notification by allied admirals.
- June 21st. At Nanking and Wuchang : viceroys concur in admirals' attitude.
- June 21st. Li Hung-chang's first attempt at negotiation.
- June 23rd. Tientsin settlements relieved by a force from Taku.
- June 24th. Imp. decree ordering massacre of all foreigners ; Chinese converts slaughtered in Peking.
- June 25th. At Peking : first " truce " in siege ; legations to be protected.
- June 25th. At Tientsin : Seymour force relieved by Russians at Hsiku.
- June 27th. At Tientsin : Eastern Arsenal taken by assault.
- June 27th. At Taiyuenfu : mission hospital destroyed.
- July 1st. At Paotingfu : massacre of missionaries.
- July 1st. In Europe : first news of Bn. von Ketteler's murder received.
- July 3rd. At Peking : emperor sends special appeal to each power.
- July 3rd. At Shanghai : viceroys' agreement for neutrality of Yangtze basin.
- July 3rd. At Mukden : massacre of missionaries.
- July 9th. At Taiyuenfu : massacre of missionaries.
- July 9th. At Tientsin : Western Arsenal taken by assault.
- July 9th. At Peking : imp. decree reappoints Li Hung-chang viceroy of Chihli.
- July 14th. False report of massacre of entire Peking community on July 8th.
- July 14th. At Nanking : Mr. Taylor appointed temporarily head of customs.
- July 14th. At Tientsin : Chinese city taken by assault.
- July 15th. On Amur ; Chinese fire on Blagovestchensk ; Chinese killed in reprisal.

1900. July 18th. At Peking: second "truce" in siege of legations.
- July 19th. At Peking: Chinese proposal to escort legations to Tientsin.
- July 20th. Abroad: first news (tel., July 17th) of conditions in legations.
- July 21st. At Kùchowfu, Chekiang: massacre of missionaries.
- July 22nd. At Peking: Li Ping-heng has audience of Empress-dowager.
- July 24th. Abroad: Li Hung-chang proposes escort envoys to Tientsin.
- July 27th. At Bremerhaven: bellicose speech of German emperor.
- July 28th. At Peking: decapitation of Chinese anti-Boxer ministers.
- July 30th. Tientsin Provisional Government established.
- Aug. 3rd. At Peking: third "truce" in siege of legations.
- Aug. 4th. At Tientsin: allied relief force starts.
- Aug. 5th. Battle at Pehtsang.
- Aug. 6th. Battle at Yangtsun.
- Aug. 7th. Li Hung-chang commissioned to negotiate for peace.
- Aug. 7th. Count von Waldersee appointed to chief command in China.
- Aug. 10th. At Peking: decapitation of Chinese anti-Boxer ministers.
- Aug. 12th. At Shanghai: British troops arrive for protection.
- Aug. 12th. Allied forces enter Tungchow.
- Aug. 13th. Russians open attack on Tungpien gate.
- Aug. 14th. British and American troops enter legations.
- Aug. 15th. Flight of Chinese court to Sianfu.
- Aug. 16th. Relieving force enters Pehtang cathedral.
- Aug. 16th. Li Hung-chang proposes cessation of hostilities.
- Aug. 24th: Li Hung-chang and Prince Ching appointed plenipotentiaries.
- Aug. 28th. Russia proposes withdrawal of legations and troops from Peking.
- Sept. 6th. Prince Ching invites envoys to conference; they refuse.
- Sept. 8th. Punitive expedition to Tului.
- Sept. 11th. Punitive expedition to Liangsiang.
- Sept. 16th. Punitive expedition to Sankiatien.
- Sept. 18th. German note demands punishment before negotiation.
- Sept. 20th. Li Hung-chang arrives at Tientsin; Pehtang forts taken by assault by allied forces.
- Sept. 24th. Russia begins completion of occupation of Manchuria.

1900. Sept. 25th. Imp. decree proposes inadequate punishments ;
Waldersee arrives at Tientsin.
- Sept. 29th. Shanhaikwan forts occupied by allied force.
- Oct. 1st. Li Hung-chang reassumes Chihli viceroyalty.
- Oct. 4th. French note proposes bases of negotiation ;
Russia takes military possession of
Yingkow.
- Oct. 13th. Paotingfu occupied by French force.
- Oct. 15th. Chinese plenipotentiaries submit bases of
negotiation.
- Oct. 16th. Anglo-German agreement regarding China.
- Oct. 17th. Waldersee establishes his headquarters in
imp. palace.
- Oct. 19th. Imp. decree proposes punishments slightly
more severe.
- Oct. 20th. Paotingfu occupied for second time by allied
force.
- Nov. 5th. Officials at Paotingfu executed.
- Nov. 6th. Russia asserts rights of conquest at Tientsin.
- Nov. 11th. Russo-Chinese convention on Manchuria signed
at Port Arthur.
- Nov. 13th. Imp. decree proposes punishments somewhat
more severe ; punitive expedition to
Kalgan.
- Dec. 24th. Foreign envoys present their irrevocable de-
cisions in a joint note.
- Dec. 26th. Chinese government accepts terms of joint
note.
1901. Feb. 13th and 21st. Imp. decrees inflict punishments de-
manded.
- Feb. 15th. Waldersee issues a provocative general order.
- May 29th. Indemnity fixed at gold equivalent of
Tls. 450,000,000.
- July 12th. Prince Chun leaves Peking to express regret
at Berlin.
- Aug. 19th. Imp. decree suspends examinations in certain
cities.
- Sept. 5th. Prince Chun presents China's regret at Potsdam.
- Sept. 7th. Final protocol signed at Peking.
- Oct. 6th. Court leaves Sianfu on its return.
- Nov. Imp. decree establishes state education in
Western learning.
- Nov. 7th. Death of Li Hung-chang.
- Nov. 11th. Customs duty collected on imports at 5 per
cent. *ad valorem* ; native customs placed
under control of Inspectorate.
- Dec. Puchün deposed from heirship and banished.
- Dec. 28th. Chang Yin-hwan's memory rehabilitated.
1902. Jan. 7th. Court re-enters Peking.
- Jan. 10th. Imp. decree for encouragement of education.
- Jan. 28th. Foreign envoys received in audience.

1902. Jan. 30th. Anglo-Japanese agreement regarding China and Korea.
 Feb. 1st. Imp. decree abolishing Manchu privilege.
 March 11th. Imp. decree on education in Western learning.
 April 8th. Russo-Chinese convention on Manchuria signed at Peking.
 June 25th. Agreement regarding Mixed Courts at Shanghai.
 Aug. 15th. Government of Tientsin restored to Chinese.
 Sept. 5th. British commercial treaty signed at Shanghai.
 Oct. 6th. Death of Liu Kun-yi.
 Oct. 8th. Manchuria west of Liao restored by Russia.
 Oct. 31st. Revised tariff, effective 5 per cent., comes into effect.
 Dec. Foreign garrisons leave Shanghai.
1903. April 8th. Due date for Russian evacuation of Newchwang.
 April 11th. Death of Junglu.
 April 23rd. Alleged Russo-Chinese convention proposed by Russia.
 Sept. 9th. Modified Russo-Chinese convention proposed.
 Oct. 8th. American and Japanese commercial treaties signed at Shanghai.
 Oct. 29th. Final contract signed for French railway to Yunnanfu.
1904. Jan. 8th. Russia recedes from anti-British attitude in Manchuria.
 Feb. 8th. Japan declares war on Russia.
 Feb. 9th. Japanese naval success off Port Arthur.
 Feb. 12th. China issues proclamation of neutrality; foreign powers agree to localise war in Manchuria.
 May 1st. Japanese force the passage of the Yalu.
 May 4th. Japanese second army landed at Pitzewo.
 May 13th. Anglo-Chinese convention on emigration signed at London.
 May 19th. Japanese third army landed at Takushan.
 May 26th. Russians defeated at Kinchow and Nanshan.
 June 14th.-15th. Battle of Telisze.
 Aug. 24th.-Sept. 4th. Battle of Liaoyang.
 Oct. 12th.-14th. Battle of Shaho.
1905. Jan. 1st. Port Arthur surrendered to Japanese.
 Jan. 25th.-29th. Battles of Heikowtai and Hunho.
 Feb. 23rd.-March 10th. Battle of Mukden.
 March 16th. Battle of Tiehling.
 March 21st. Changtufu occupied by Japanese.
 May 26th. First warning of boycott of American trade.
 May 27th.-28th. Naval battle of the Sea of Japan (Tsu-shima).
 June 8th. Pres. Roosevelt urges Russia and Japan to negotiate.
 June 8th. American rights in Hankow-Canton railway bought back.
 Aug. Boycott of American trade at its height.

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| 1905. | Aug. 31st. | Mr. J. McLeavy Brown retires from post of Chief Commr. of Korean Customs. |
| | Sept. 5th. | Russo-Japanese treaty signed at Portsmouth, U.S.A. |
| | Sept. 27th. | Agreement signed for creating Hwangpu Board of Conservancy. |
| | Oct. 26th. | American missionaries murdered at Linchow, Kwangtung. |
| | Dec. 1st. | German-Chinese agreement on Chinese customs in Tsingtau. |
| | Dec. 22nd. | Japanese-Chinese convention on Manchuria signed at Peking. |
| 1906. | Jan. 1st. | Mr. J. de Rijke appointed engineer to Hwangpu Conservancy. |
| | April 27th. | Anglo-Chinese convention on Tibet signed at Peking. |
| | May 9th. | Shuiwu Chu (Dept. of Customs Affairs) created. |
| | Sept. 1st. | Imp. decree foreshadows constitutional government. |
| | Nov. 6th. | Imp. decree creates new ministries. |
| | Nov. 21st. | Imp. decree introduces opium reform. |
| | Dec. | Anglo-Chinese agreement restricting opium trade. |
| | Dec. 30th. | Confucius deified—raised to level of Heaven and Earth. |
| 1907. | March 7th. | British contract for Hongkong-Canton railway. |
| | Sept. | Imp. decree enacts procedure of National Assembly. |
| | Oct. | Imp. decree creates provincial Assemblies. |
| | Dec. 25th. | Imp. decree promises summoning of Parliament. |
| 1908. | Jan. 13th. | Anglo-Franco-German contract for Tientsin-Pukow railway. |
| | Aug. 27th. | Programme of progressive constitutional reform issued. |
| | Nov. 14th. | Death of Emperor Kwangsü; accession of Hsüantung. |
| | Nov. 15th. | Death of Empress-dowager Tzehi. |
| | Dec. 18th. | Yuen Shih-kai and Chang Chih-tung jointly senior Guardians of the Heir-Apparent. |
| 1909. | Jan. 2nd. | Yuen Shih-kai dismissed from office. |
| | Feb. | International Opium Conference at Shanghai. |
| 1910. | Oct. 3rd. | First meeting of National Assembly. |
| 1911. | Jan. 1st. | Mr. H. von Heidenstam appointed engineer to Hwangpu Conservancy. |
| | May. | Anglo-Chinese agreement further restricting opium trade. |
| | May 8th. | Prince Ching appointed first Prime Minister. |
| | May 20th. | "Four-power Group" contract for Hukwang railways. |
| | Sept. 20th. | Death of Sir Robert Hart. |

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| 1911. | Oct. 1st. | Mr. F. A. Aglen appointed Inspector General of Customs. |
| | Oct. 11th. | Outbreak of revolution at Wuchang; Yuen Shih-kai recalled to office. |
| 1912. | Jan. | International Opium Congress at The Hague. |
| | Feb. 12th. | Abdication of Emperor Hsüantung. Establishment of the Republic of China. |

NOTE TO VOLS. II AND III

CURRENCY

THE tael (Tls.) is the ounce of China, weighing from 525 to 585 grains ; as currency it is a tael of silver of a weight and fineness dependent on the banking convention of the city concerned. In these volumes the tael of currency is generally the Haikwan or Customs tael ; during the earlier years, 1861 to 1873, its exchange value was about 6s. 8d. (£1 = Tls. 3) ; after 1873 its value decreased, as shown in the diagram at page 408 of this volume.

The dollar (\$) during the period covered by these volumes is the Mexican dollar of silver, or, in later years, the Chinese dollar of similar weight and fineness, having an exchange value of 0·65 of a Customs tael.

WEIGHT

The picul is $133\frac{1}{2}$ lb. av. or 60·453 kilogrammes.

The catty is $1\frac{1}{2}$ lb. av. or 604·53 grammes.

The tael is $1\frac{1}{2}$ oz. av. or 37·783 grammes.

1 picul = $1\frac{1}{2}$ cwt. English = $1\frac{1}{2}$ cwt. American.

1 long ton = 16·8 piculs.

1 short „ = 15·0 „

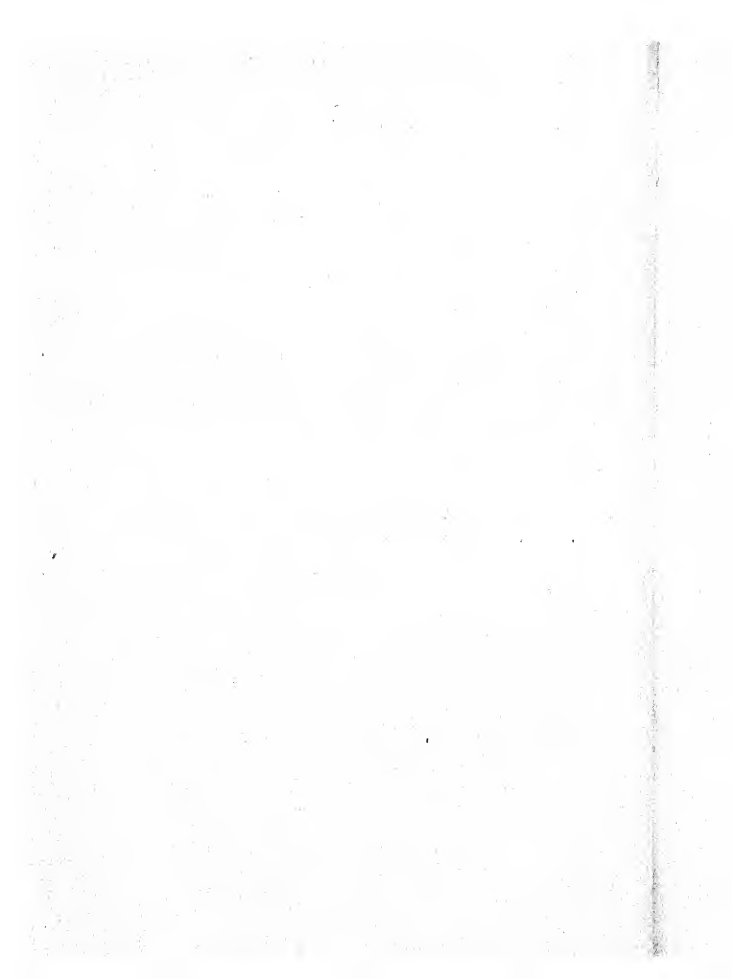
1 metric „ = 16·54 „

LENGTH

The li is nominally $\frac{1}{2}$ statute mile or $\frac{1}{2}$ kilometre.

The Chinese foot is 14·1 English inches.

The chang is 141 English inches.



CORRIGENDA

THIS opportunity is taken to correct some errors in previous volumes, which have been pointed out by friends.

"THE TRADE AND ADMINISTRATION OF CHINA." Rev. ed., 1913.

P. 11, l. 25. I am informed that, of the Ming bronze instruments, only one was a present from Louis XIV, the others having been cast in Peking under the supervision of the Jesuit astronomers. Cf. Favier, "Peking," p. 297.

P. 13, l. 26. For "settlers" read "sutlers."

P. 18, l. 25. For "Chinese Recorder" read "Chinese Repository."

P. 27, l. 28. For "1889" read "1899."

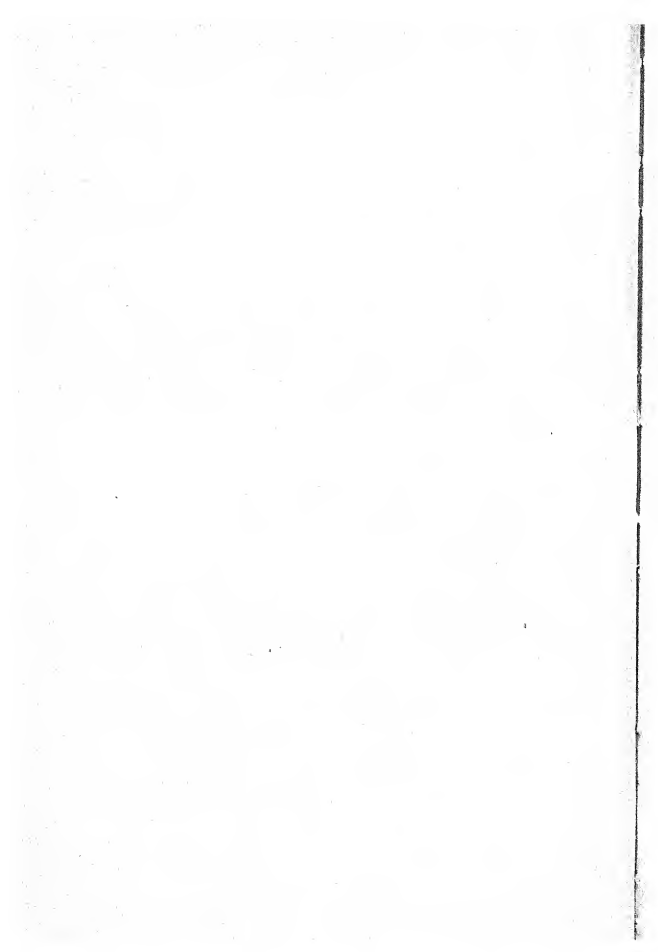
P. 29, l. 5. Omit "German."

P. 71, l. 27. For "Tze-si" read "Tze-hi."

P. 229, l. 12. For "1899" read "1900."

"THE INTERNATIONAL RELATIONS OF THE CHINESE EMPIRE,"
Vol. I., The Period of Conflict.

P. 346 at foot. In text, footnote and Index, for "Captain G. Butler" read "Captain G. Balfour." This was apparently a case in which the pen refused to follow the instruction of the mind, to which the true name (perpetuated at Shanghai in "Balfour Road") was well known.



The International Relations of the Chinese Empire

CHAPTER I

THE INSPECTORS OF CUSTOMS AT SHANGHAI

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§ 1. THE foreign merchants in the Canton factories were subjected, with little check, to the exactions of a customs establishment modelled on the traditional Chinese lines. Their ships were required to pay official dues, fully recognised and not capable of reduction, amounting to about,

and not less than, \$10 (at the then current exchange £2 8s. 4d.) per ton of present day registered tonnage,[1] the present tonnage dues which replaced the old port dues amounting to no more than \$0.60 (at the old exchange 2s. 11d., and at present exchange about 1s. 2d.) per ton register. In addition the ships, under the Chinese system, were compelled to gratify the desires of every government employee who was brought into relations with them, if the work of discharge and loading was to go on without delay, and if small offences by the ships' crews were to pass without notice; the exactions under this head may be estimated at \$1500 to \$2000 (£360 to £480) for each ship. Besides this a monopoly of purveying gave the compradors [2] power to charge what they pleased for supplies to the ships, and for the silk handkerchiefs, porcelain, carved ivory and other articles of Chinese produce which officers and men were eager to take back to their wives and sweethearts; the value of this monopoly cannot be estimated in money, but it unquestionably added greatly to the amounts which would have been payable under a system of published prices and free competition.

§2. On the merchant's goods the exactions were no less heavy, but they were less capable of reduction to precise statement of the amounts levied. The contribution to the Consol fund of 3 per cent. on the value of the goods was a tax additional to the customs levy, and was ostensibly designed to provide security to the foreign merchant against losses incidental to the system of monopoly under which he conducted his business; and, in respect to this, complaint was made only of the diversion of the fund to other purposes. But the customs duty levied on his goods—on foreign products imported and on Chinese tea, silk, and other products exported—was not only exceedingly heavy in comparison with the amounts legitimately leviable under the tariffs then nominally in force, but was at the same time cleverly disguised under a system which apparently required the foreign merchant to pay no duties. His imports he was compelled to sell to his security merchant only; the latter fixed the price

[1] Reducing tons burden to registered tonnage on the basis of the high co-efficient of fineness of 0.90.

[2] Ship-chandlers.

without competition and without the possibility of reference to prices current, and this security merchant settled all dues, regular and irregular, legal and illegal, payable to the government officials. Exports, too, could be bought only from the same security merchant, tea being regularly bought under contract usually made a year in advance; he it was who settled the price and paid all government obligations. When the foreign merchants were called upon by the British plenipotentiary, Sir H. Pottinger, to provide him with the figures necessary for drawing up the first international tariff,[3] it was found that they could not state exactly what was the amount payable on any one commodity, and that the best they could do was to furnish estimates based on such inquiries as they had, at that late day, been able to make; but the fact remained, and was sufficiently obvious, that the foreign merchants were in the grasp of a close monopoly, and that the monopolists exacted from them vast sums, which they in their turn were required to share with the government officials, collectors of the revenue and administrators of the law.[4]

§ 3. The methods adopted at Canton were based upon the fiscal system of China,[5] which was that prevailing in the West under the Roman empire, through the middle ages, and even in its essentials down to the French Revolution.[6] Under this system the agent of the government, receiving nothing, or only a nominal sum, as salary, turned into the treasury a fixed sum every year, but was not required to account for the surplus which his possession of governmental powers enabled him to collect; from this surplus he maintained his collecting staff, and fortified his position at court, and the surplus from the surplus gave him the reward proportioned to his abilities and to his influence in the political world. Verres in Sicily and Julius Cæsar in Gaul may be mentioned as typical instances in the Roman dominion; and in the modern nations, the Duke of

[3] Cf. the author's "International Relations of the Chinese Empire. The Period of Conflict, 1834-1860" (hereafter referred to as "Conflict") chap. iv, § 17, and chap. xi, § 9 and n. 42.

[4] Cf. "Conflict," chap. iv, *passim*.

[5] *Ibid.*, chap. ii, *passim*.

[6] After that date the system still lingered in the West, but it was no longer condoned by public opinion.

Buckingham with his monopolies granted by James I of England, the surintendant Fouquet under Louis XIV of France, and, with certain reservations, Boss Tweed of New York, all represent the typical Chinese mandarin. The resemblance is even closer, since on both sides of the world, in the East as in the West, the methods of the chief were also the methods of his subordinates ; they too supplemented merely nominal salaries by non-legal levies which their official position enabled them to collect ; and they too, from the amounts collected, paid in, first, the sum which was expected of them, then gave gratuities, more or less fixed in amount, to their superiors to secure and to fortify their position, and retained the surplus as the reward proportioned to their abilities and influence. Even the most subordinate underling, in the East as formerly in the West, treated his office as a mere stepping-stone from which to leap into the field of irregular gains, which, in such an environment, are so much more attractive than a humdrum salary.

§4. The foreign trade at Canton was under the sole fiscal jurisdiction of the Hoppo. He was stationed at Canton to tap the wealth of that busy commercial mart for the personal benefit of the imperial court—the Emperor, the Empresses, the concubines and eunuchs, and the Manchu nobility. He was always a Manchu ; but, in order that he might not consider himself unduly independent, was never a noble or even a freeman, but was always selected from the Boyi, the hereditary bondsmen of the imperial family. This official, of low personal status, but one of the conquering race, was given at Canton local rank inferior only to that of the Tartar-General and the Viceroy—which means in effect that he was armed with the full powers of the government, subject only to the condition that he should place these two high officials upon his list of beneficiaries. The Hoppo's function was not alone to collect the customs revenue from the customs stations in the province of Kwangtung ; that was the smaller part of his mission. His especial charge was to collect such sums, over and above the official assessment of his post, as would enable him to distribute large gifts to those by whose grace he had been appointed ; it was commonly said of him that it took the first year's receipts of his office

to buy his appointment, the income of the second year to keep it, and that of the third year to buy his way back to private life and still leave him with a large fortune. In 1895, when but little was left to the unreported control of the Hoppo, it was stated that the official assessment of the post was Tls. 157,000 a year, but that "his only chance of keeping the post for three years is to vigorously ply the palace with presents. . . . At least a million taels a year, in fans, silks, pearls, and other presents, had to be sent to Peking at intervals of a fortnight, a quarter, a half-year, or a year." [7] But this was in the time of the Hoppo's decadence [8]; during the palmy days when Canton enjoyed a monopoly of the foreign trade, the emoluments of the post were vastly greater. In 1843, during the consideration of the changes necessitated by the abolition of the monopoly of Canton, it was officially reported to the throne [9] that "the fixed amount of duties to be sent to the capital by the Canton maritime custom house was 899,061 taels, and the surplus remitted was usually from ten to forty thousand taels." The present author has made a careful calculation, on the basis of the rates of duty reported to Sir H. Pottinger, [10] of the amount of duties collected on goods imported and exported by British and American ships in 1837, and has found it to amount to just over Tls. 6,500,000; if we allow Tls. 500,000 for the legal trade under other foreign flags, and the very moderate estimate of Tls. 1,000,000 for opium, which was never included in statistics or in report, we have Tls. 8,000,000 as a safe estimate of the amount collected by the Hoppo from the trade under foreign flags alone. We may, further, estimate a sum of Tls. 2,000,000 for the receipts from Chinese shipping at the ports of Kwangtung, including, besides Canton, such busy marts as Wuchow, Chaochowfu (Swatow), Kongmoon, Tinpak, Kiungchow (Hoihow) and Limchowfu (Pakhoi). The resultant total,

[7] "The Financial Capacity of China," by E. H. Parker, in *Journal of the North-China Branch of the Royal Asiatic Society*, 1895-96.

[8] The post was abolished in 1904 as being no longer "lucrative" in the Chinese sense.

[9] Memorial of Muchangah and others of the Privy Council commenting on proposals by Kiyang, dated Sept. 14th, 1843. *Chinese Repository*, Dec., 1843.

[10] Cf. "Conflict," chap. xi, § 9; Morrison's "Commercial Guide," 1848, pp. 134 and 167.

ten million taels, includes only customs duties ; to it must be added the port dues on shipping, heavy in amount [11] ; the contributions and gifts constantly demanded from the hong merchants who enjoyed the monopoly of the foreign trade [12] ; and the innumerable gratuities to be paid to the smaller officials, who might find means to block the smooth course of trade, and who must, in their turn, gratify the Hoppo if they would retain their posts. In short, we may confidently declare that, while the official assessment of the Hoppo's post was less than one million taels a year, the distribution fund must have much exceeded ten million taels.

§ 5. By the treaties of 1842-44, and the customs tariff and trade regulations adopted in 1843, the foreign trade was freed from many restrictions which had been imposed on it.[13] Trade and residence were permitted at four other ports besides Canton ; the monopoly of the Co-hong at Canton was abolished, and no monopoly was to be created at any of the ports opened by treaty ; at these ports the foreign merchants might rent land on which to erect warehouses and residences, they might sell their imports in open market and might buy their exports from whom they would, at prices to be settled in free competition ; their imports and their exports were to be subject to the levy of moderate duties according to a published tariff, and this was to be strictly adhered to ; and, finally, their persons and their property were to be under the protection of their own national law, and were no longer to be subject to the law of China, alien in its spirit and faulty in its execution. These liberties were of great value and the foreign trade was by their agency freed from most of the medieval restrictions, so alien to the enterprising spirit of the nineteenth century, which had weighed it down. The time had been when the foreigners, guests of the Chinese empire, declared loyalty, and as the only means by which their trade might be carried on, that "We are bound to submit to your laws while we are in your waters ; be they ever so unjust, we will not resist them." [14] But this day

[11] Cf. *antea*, § 1.

[12] Cf. "Conflict," chap. iv, § 26.

[13] *Ibid.*, chap. xi, *passim*.

[14] *Ibid.*, chap. v, § 34.

was past, and by the first treaty settlement the three Western powers had declared that it lay with them to dictate the conditions under which China's international trade should be conducted.

§ 6. With all this amelioration, there was one of the conditions affecting foreign trade which remained unaltered—the spirit of the Chinese customs, its organisation, and its methods. What the Hoppo had been, he was still; what he was at Canton, that was the Tartar-General at Foochow and his deputy at Amoy, the Taotai at Ningpo, and the Taotai at Shanghai, the heads respectively of the customs at those ports; and the staff of each custom house continued to demand and to receive gratuities for expediting business. When gratuities are paid for expedition, it is a short step to paying in order that false declarations may be passed unnoticed, and no long step to direct smuggling. The foreign merchants in the Canton factories had been of a highly honourable class, and the profits derived from their trading operations were such as to remove all temptation to lower their high standard; but the removal of personal and trading restrictions and the security given by the treaties brought into the field men of smaller mould, more inclined to petty gains, and finding in the Chinese system a means to their hand for securing larger profits. When smaller men led the way, men of higher standing and larger capital must soon follow if they would retain their market. Moreover, the direct smuggling of opium, which began about 1836, soon undermined the honesty of merchants of even the highest standing, creating a desire for the excitements of the smuggler, contempt for Chinese administrative methods, and satisfaction that they had held their own in competition with their trade rivals. It was not enough that they had secured a tariff which imposed duties far lower than those which had formerly been paid; merchants of all classes seized every opportunity to pay less than their legal dues, or even to evade all payment.[15]

[15] "The records of the Foreign Office will prove that for several years after the opening of Shanghai to trade, a system of smuggling and of compromising duties prevailed to an extent that destroyed practically the value of a fixed tariff, and defeated the calculations of the honest merchant, who found himself, owing to the corruption of the Chinese custom house officials, exposed to a ruinous and unfair competition with his less scrupulous rivals in commerce."—Mr. Bruce to Lord J. Russell, Oct. 26th, 1860. *Corr. resp. Affairs in China, 1859-60*, p. 248.

§ 7. Under-declaration of weights is common to this day in all custom houses under purely Chinese control; and in the period which we are now considering, 1843 to 1854, it was the general practice. False description, removing commodities from one category to another charged at a lower rate of duty, was common; and raw silk, the commercial unit being the bale, was frequently packed two bales in one, the weight on which duty was paid being, by connivance of the customs officials, only half the actual weight.[16] Direct smuggling—the introduction of foreign goods and shipment of Chinese produce which were not declared and on which no customs duty was collected—was also common, sometimes facilitated by the connivance of the subordinate customs officials, but not infrequently without their help, as if in scorn of such ineffective supervision. The British and French were the only official consuls, the others being represented by merchants of their own or other nationality [17]; and the merchants were mainly British or American, though traders from the various German states had established themselves in business at the open ports. These all engaged in smuggling [18]; but only in two cases, where the British consul intervened, did the practice come to the light of day in such a way as to be susceptible of proof.

§ 8. In June 1850 the P. & O. steamer *Lady Mary*

[16] "The result of the withdrawal of Consular initiative to secure payment of customs duties is that the foreign merchant contrives so to arrange his business that a large amount of cargo passes free of duty or at a reduced rate." Particulars are also given of the practice of packing two bales of silk in one, and it is stated that "from January 1st to May 15th the declared import of chintzes (paying a specific duty of Tls. 0.200 a piece) was 850 pieces against sales of 25,000 pieces, while of 'coloured and fancy cottons' (paying duty at 5 per cent. *ad valorem*) the import was 39,000 pieces."—North-China Herald, May 15th, 1852.

[17] Cf. "Conflict," chap. xiii, § 5.

[18] "Your Lordship will be aware that the American consuls at the ports are wealthy merchants, receiving a trifling salary of one thousand dollars a year, which does not of course preclude them from carrying on their large mercantile operations. Under such circumstances it must be obvious that their consular duties are altogether subservient to their trading avocations; and hence I am satisfied most of them would infinitely prefer winking at the objectionable proceedings of their countrymen in respect to smuggling transactions, to taking any decided steps for the suppression of a practice in which, if there be any truth in common report, they themselves, as members of commercial firms, are more or less necessarily involved."—Mr. C. Bonham to Lord Palmerston, Sept. 27th, 1850, in Public Record Office.

Wood [19] arriving from Hongkong, discharged her opium into the receiving ships at Wusung, and then entered the port of Shanghai in ballast; she also cleared in ballast, being thereby exempted from payment of tonnage dues, but at Wusung took on board 699 bales (74,666 lb.) of silk, shipped by Mr. A. G. Dallas, senior partner in the firm of Jardine, Matheson & Co., the Chinese government being thereby defrauded of duty amounting to \$8107. In January 1851 the British ship *John Dugdale* cleared from Shanghai with a cargo of tea; but after clearance it was found that, of 458,651 lb. actually on board, the duty on 257,251 lb., amounting to \$7233, had not been paid. In these two cases an information was laid before the British consul, who, under the treaty, [20] was charged with the duty of protecting the Chinese revenue. The consul was Mr. Rutherford Alcock, who took his duties seriously and performed them zealously. In the case of the *Lady Mary Wood* he required Mr. Dallas to pay the duties which he had evaded and imposed a fine of \$200, the maximum fine permitted under the regulations, and compelled the master to pay the tonnage dues and a fine of \$200. In the case of the *John Dugdale*, the Chinese authorities, zealous after the event, wished to confiscate; but the consul held that the smuggling had been made possible only by the connivance of the customs officials, and compromised the matter by imposing a fine of \$100 plus twice the duty. [21]

§ 9. The *Lady Mary Wood* case crystallised the divergence of view between the British government, which had made the treaty and was desirous of enforcing all its provisions, those which restricted the action of the foreign traders as well as those which granted them greater protection, on the one hand, and the foreign traders, impatient of restraint, on the other. The British government upheld

[19] Cf. "Conflict," chap. xiii, § 2.

[20] Br. tr. Nanking, 1842, art. ii.

[21] Mr. G. Bonham to Lord Palmerston, Sept. 27th, 1850, in Public Record Office; Sir G. Bonham to High Commissioner Hsi, July 10th, 1851, Corr. resp. Consular Interference for the Prevention of Smuggling in China, p. 3; North-China Herald, Jan. 11th and March 1st, 1851.

"That their [the P. & O. S. N. Co.'s] steamer was systematically employed in smuggling opium up to the port and in smuggling silk down from the port, and so aiding and abetting the shippers in defrauding the Chinese government . . . are facts too public to be gainsaid."—North-China Herald, March 1st, 1851.

the action of the consul.[22] The Shanghai merchants, acquainted with Chinese revenue conditions and engaged in the same operations as the offending firm, expressed a strong desire to suppress all smuggling, but pointed out the difficulty of attaining that end by action which was legal only against British merchants and ships and which could not be taken against those of other nationalities.[23] The Hongkong merchants, trading in a free port and in no way concerned for the Chinese revenue, fully supported the action of Messrs. Jardine, Matheson & Co., and expressed their disapproval of the consul's procedure in acting as both prosecutor and judge: "it was not the business of the consul," and the silk had been shipped, not within the port of Shanghai, but at Wusung, which was outside port limits.[24] The case was appealed to the Supreme Court at Hongkong, by which the jurisdiction of the Shanghai consul in the case was upheld, but his judgment was reversed on the technical ground that cases involving a greater penalty than \$100 should have been heard with assessors.[25]

§ 10. The position taken by the British government and consul, based though it was upon the clearly expressed requirement of the treaty, was untenable so long as other nations recognised no such obligation and other merchants were left free to smuggle on their own account, or to lend their name to cover the smuggling operations of British merchants [26]; it had, moreover, been demonstrated that the Chinese revenue authorities were not able or

[22] "I have to acquaint you that I approve of the course pursued in this matter by Mr. Consul Alcock. With reference to the argument used by Messrs. Jardine, Matheson & Co. that it was unfair to fine them, because smuggling is so extensively practised by other powers, I have to observe that a contrary doctrine has frequently been maintained in the Courts of Law in this country, and that judges have often passed severer sentences than usual upon convicted offenders, upon the specific ground that the offence for which punishment was thus awarded had grown to be more common than theretofore, and that many who had been suspected of committing it had escaped conviction and punishment."—Lord Palmerston to Mr. G. Bonham, Nov. 27th, 1850, in Public Record Office.

[23] Shanghai Chamber of Commerce to Mr. Consul Alcock, March 28th, 1851, in North-China Herald, April 5th, 1851.

[24] China Mail, Hongkong, Feb. 15th, 1851.

[25] North-China Herald, April 26th, 1851. Cf. also "Conflict," chap. xiv, § 15.

[26] Mr. G. Bonham to Lord Palmerston, Sept. 27th, 1850, in Public Record Office.

qualified to enforce on all alike the degree of restraint which the British authorities might be willing, under the treaty, to impose on their own merchants. This was recognised by the British government, and the Chinese authorities were informed that the British consuls would no longer, alone among all the nations, act on behalf of the Chinese authorities to protect the revenue, but that due vigilance must in future be displayed by the Chinese customs officers for themselves.[27] This decision left the Chinese face to face with the foreign merchants, and the operations of the latter were subjected only to such restraint as was compatible with the ordinary constitution of a Chinese government office.

§ 11. The foreign merchants in China had by this time formed a high opinion of the inviolability of their persons and property, and resented all attempts by the revenue authorities to exercise any restraint, or even to question in any way the accuracy of the ships' manifests which formed the only declarations they were called upon to make. In August 1851 the British and American consuls felt it incumbent on them to remind their nationals that the Chinese were within their rights in demanding more precise information and in subjecting imports and exports to verification, if such a step should seem called for, adding that "so long as the measures taken for the protection of the Chinese revenue are not only necessary and just, but are applied impartially to merchants and ships of all nations, every support will be afforded." [28] The French consul, however, saw in the customs regulations, proposed to secure this better control, an unauthorised extension of the treaty provisions, and he protested against their enforcement: he could "not in any way accept these new regulations as applicable to his own countrymen," but he would be ready to "receive all complaints by customs officers of any infractions thereof, and, if they are founded on equity and justice, to apply the penalties

[27] Mr. Bonham to Lord Palmerston, Sept. 27th, 1850; Lord Palmerston to Mr. Bonham, Nov. 27th, 1850; in Public Record Office. Lord Palmerston to Sir G. Bonham, May 24th, 1851; Sir G. Bonham to High Commissioner Hsu, July 10th, 1851; in Corr. resp. Consular Interference for the Prevention of Smuggling in China, 1857.

[28] Notification of American consul, Aug. 1st, of British consul, Aug. 6th, in North-China Herald, Aug. 9th, 1851.

prescribed by treaty.”[29] In September the consuls notified the appointment by the Taotai of Nicholas Baylies as Harbour Master and promulgated a set of Harbour Regulations for the control of ships and their crews; this action was consequent on a generally signed request by the Shanghai merchants, who engaged to “use our influence with all captains of vessels to our consignment to conform to such regulations as may eventually be determined upon.”[30] In October 1852 the Taotai established the Customs Bank on the model which has been maintained during the sixty years since that date.[31]

§ 12. The walled city of Shanghai was taken by rebels on September 7th, 1853. They had taken the city, but their power extended only to its walls and moat; the imperial troops shut them in on the west and south; on the east was the river, on the further shore of which the Imperialists established batteries; and to the north lay the foreign settlements. The Western powers had declared for a policy of strict neutrality between the imperial government and the Taiping rebels, who then dominated more than half the provinces; and at Shanghai they spread the mantle of neutrality over the “area reserved for foreign trade and residence,” giving notice that it could be used as a base of operations neither by the government forces nor by rebels against the government.[32] A neutrality shutting off a part of its own soil from the operations of the established government could have been possible in no other quarter of the globe; but the policy of protecting their own trade had been forced on the Western powers, and the absolute necessity for its adoption had in this same year been further demonstrated by the impotence of the government and its inability to maintain order. Shanghai, then, was declared neutral, and by reason of its neutrality served, during the next ten years, as a refuge for hundreds of thousands of the subjects and officials of the empire, who found there, under

[29] Consul M. de Montigny to Taotai, Aug. 30th, in *North-China Herald*, Dec. 20th, 1851.

[30] Joint Consular Notification of Sept. 24th, in *North-China Herald*, Sept. 27th, 1851.

[31] Notification of British consul, Oct. 30th, in *North-China Herald*, Nov. 6th, 1852. Cf. “Subjection,” chap. xiv, §§ 17, 18.

[32] Cf. “Conflict,” chap. xvii, § 15; chap. xviii, §§ 2-7.

the foreign flags, the protection denied them under their own. This neutrality was only once infringed; on September 8th, the day after the city fell, and before the three consuls had taken the situation into consideration, the custom house on the Bund was looted and destroyed.

§ 13. Upon the capture of the city, the foreign settlements furnished a refuge for the Taotai, head of the customs, and chief magistrate over a district comprising the cities and prefectures of Soochow, Sungkiang, and Taichow—an incredibly rich country with a population of many millions. Before this, in March, when the Taiping forces were pursuing their victorious progress down the Yangtze, and were already at the gates of Nanking, the commercial situation was such that there was “a total stagnation of trade, and, from the refusal of the native bankers to grant the usual facilities, it has become quite impossible to obtain payments of the import and export duties from the Chinese dealers,” while the sale of imports had come to an absolute standstill. Money was, in fact, unobtainable,[33] even the moderate amounts required to pay customs duty calculated on a 5 per cent. basis; and, to provide for the needs of British merchants, Mr. Alcock undertook to grant clearance to British ships against the deposit of securities to cover the legal dues, either in “government paper, in title-deeds of houses or land, or in warehouse warrants for foreign import goods.”[34] In this, however, he was not supported by other nationalities; and, after a month’s trial, he was driven to notify that he “could no longer incur the serious obligations imposed upon him by the measures temporarily sanctioned” in his previous notification.[35] In July the merchants applied to the British Superintendent of Trade for relief from paying duties in hard cash, which was not readily obtainable, and suggested the establishment of bonded warehouses; but they were informed that, under the treaties, no such relief was possible.[36] Now, in September, with the administrative city in the hands of

[33] Cf. “Conflict,” chap. xviii, §§ 11–13.

[34] British merchants to British consul; notification of British consul, March 10th; in *North-China Herald*, March 12th, 1853.

[35] Notification of British consul, April 14th, in *North-China Herald*, April 23rd, 1853.

[36] Cf. “Conflict,” chap. xviii, § 13.

rebels, the custom house burned, the head of the customs a refugee in the foreign settlements, and the authority of the government in abeyance everywhere, the foreign merchants realised that the relief for which they yearned, and which had become an urgent necessity, was within their grasp.

§ 14. In order to establish fully the neutrality of the foreign settlements the consuls refused to admit, within their limits, or within the limits of the anchorage for foreign shipping, the exercise of authority by the imperial officials, and declined to recognise the revenue authority of the Taotai so long as the administrative city remained in the hands of rebels, and until the customs should be fairly reinstated in the custom house.[37] While this was the official attitude, the merchants saw the opportunity of obtaining relief from the necessity of finding in a tight money market the hard cash required for duties, and were inclined to refuse payment of all duties. To meet this the British and American consuls established a *modus vivendi* to be enforced on their nationals, under whose control was more than nine-tenths of the trade and shipping of Shanghai [38]; but while action was taken jointly by

[37] "As soon as the city of Shanghai is retaken by the Imperial troops and your Excellency's establishment fairly reinstated in the custom house, I shall be prepared to enter into further consideration with you of the question of duties."—Mr. Alcock, British consul, to Taotai, Oct. 10th and 13th, in North-China Herald, Oct. 22nd, 1853.

"The Chinese custom house, the only one that I recognise at Shanghai, having been destroyed by the natives themselves, until it has been re-established and an authority to accept the receipts, in conformity with the treaty, has been replaced and recognised, I consider myself fully at liberty to allow the entry and despatch of the ships of my nation free of all duties."—M. Edan, French consul, to American merchants, Oct. 29th, in North-China Herald, Nov. 12th, 1853.

"The undersigned . . . has received instructions from H. E. the Commissioner of the United States to China to deliver up the papers of American vessels on their leaving port, without requiring production of the Chinese customs clearance, as long as vessels under other foreign flags are allowed to enter and leave port without reporting and paying duties at the custom house, as is at present the case. The moment the customs regulations are enforced upon all foreign vessels, a return to them will be required upon the part of those under the American flag."—Notification of Mr. E. Cunningham, American consul, Jan. 20th, in North-China Herald, Jan. 28th, 1854.

[38] In 1852, of shipping cleared at Shanghai, there were British 103 ships of 38,420 tons, American 66 of 36,532 tons, and all others 13 of 3213 tons. In 1855 the figures were British 249 ships of 75,131 tons, American 96 ships of 56,792 tons, and all others 92 ships of 25,268 tons. In 1853 the value of all exports from Shanghai was \$23,913,480; of this shipments under the British flag were valued at \$14,445,300, and under the American flag \$8,444,530, leaving \$1,023,650 for all others.

the two consuls, it was well known that the prime mover was Mr. Alcock,[39] who had from the outset felt it his duty to see, as required by the treaty of Nanking, that the Chinese revenue suffered no loss from the action of the merchants. Immediately upon the fall of the city the two consuls gave notice that they would grant clearance to ships without payment of duty, but on deposit of a bond undertaking to pay, at some future date, the customs duties and dues payable to the Chinese government.[40]

§ 15. This action was reported by each to his superior, and in each case it was disavowed as being *ultra vires* and an assumption of sovereign power which could not be justified. Upon receipt of instructions from the respective governments, the Taotai was informed that the *modus vivendi* would come to an end, on October 28th as regards American trade,[41] and on January 30th, 1854, as regards British trade [42]; that the consuls were "not to continue collecting the duties for the Chinese custom house for an indefinite period"; and that the "reoccupation of the custom house heretofore in use, situated as it is in the heart of our settlement, was impossible," because the admittance of the guards necessary for its protection would destroy the neutrality of the settlements, which the Chinese government was no longer able to protect. It was added that the bonds deposited under the *modus vivendi* would be enforced only if the representatives of other powers were able and willing to secure an equal enforcement for ships under their flags; and the British consul declared categorically that his nationals could in the future be called upon to pay duties, only if the merchants of all nations were placed on a basis of equality. The Taotai was thus left to collect the customs revenue of a port no longer in his possession, without any power to enforce the collection. On October 28th the customs staff was

[39] Cf. Michie, "The Englishman in China," vol. i, p. 143. Also Mr. Alcock's letters to Shanghai Chamber of Commerce of April 16th and 23rd, in North-China Herald, April 19th and 26th, 1851.

[40] North-China Herald, Sept. 17th, 1853.

[41] Notification of American consul, Oct. 24th, in North-China Herald, Nov. 5th, 1853.

[42] British consul to Taotai, Jan. 30th, in North-China Herald, Feb. 4th, 1854.

installed in two guard-boats moored off Putung Point,[43] at what was then the lower limit for foreign shipping; on February 6th the office was transferred to the north side of the Socchow Creek, not then incorporated in the American settlement.[44] In acknowledging the Taotai's communication notifying this last move the three treaty-power consuls reiterated the condition that the "customs surveillance is equally to affect every vessel of every nation." This condition was not observed; in fact it never had been observed, and on January 20th the American consul, expressly on this ground, had given free clearance to two American ships, the *Oneida* and *Science*.

§ 16. The payment of duty during these months was more or less voluntary on the part of the foreign merchants, and the obligation was for a time generally met. On February 10th, however, the British merchants addressed their consul, giving many instances of ships which had been cleared without the payment of duty, inwards or outwards. Besides the *Oneida* and *Science*, reference was made to the American ship *Wild Duck* "now loading at Wusung"; the Prussian ship *Preussischer Adler* cleared on September 8th under a bond to "hold the Prussian consul [45] harmless from all charges that might be made for the recovery of duties"; the Austrian ship *Robert* sailed on October 29th "without entry at any consulate and having had no demand made on her for any duties, import or export"; over 150 junks of 300 to 500 tons each laden with sugar on which no import duty was collected; the Siamese [46] ships *Favorite* and *Siam* and 24 Siamese junks of over 500 tons each; "the fact that at least four vessels have loaded full cargoes of tea and silk at Wusung without payment of duty is so well known that it is unnecessary to enter into particulars"; and finally reference was made to "probably 4000 tons of tea and silk now lying at Wusung with the object of being shipped off without entry at any consulate or payment of any duty whatever." These facts the British merchants considered "to

[43] North-China Herald, Nov. 5th, 1853.

[44] Ibid., Feb. 11th, 1854.

[45] An English merchant.

[46] The Siamese flag was a favorite with those who wished to escape consular control over their ships.

be grounds for British commerce being exempted from duties which have not been levied impartially upon the trade of other foreign nations.”[47]

§ 17. The successive attempts to establish a Chinese custom house within the limits of the neutralised port, and to secure recognition for its authorities from the foreign merchants and shipping, had all been frustrated by the conditions under which trade was carried on; and the next step taken, at the beginning of May, was to abandon all such attempts, and to establish two inland custom houses, one on each of the principal routes leading to and from the interior. The collection of tonnage dues had perforce to cease, and the levy of import and export duties was no longer made at the ship's side, but on the passage between the port and the consuming and producing districts. The three consuls at once protested jointly against this method as an infraction of the clear stipulations of the treaties, and invited the merchants to place in their hands “any evidences which it may be in their power to give of interior exactions, levy of duties, or other irregularities, in derogation of their rights and privileges as merchants resorting to this port for the purpose of commerce.” Merchants were further informed that “in lieu of the specific bond or note which they are now in the habit of giving, an obligation from the consignee and each shipper will be taken, by which they shall undertake to hold harmless their consuls and respective governments from any responsibilities accruing from the departure of the ship without payment of such duties as may be due to the Chinese government.” The notification closed with the self-assuring assertion that “this course will not only preserve from reproach the integrity of the three powers having treaties with China, but will cast the onus of treaty violation upon the Chinese authorities, and tend to preserve the trade of this port from serious interruption.”[48]

§ 18. In the old factory days at Canton, before the treaties, there was no smuggling, nor was there any tempta-

[47] Shanghai British Chamber of Commerce to British consul, Feb. 10th and March 1st, in *North-China Herald*, March 11th, 1854.

[48] Joint notification by British, American, and French consuls, May 9th, in *North-China Herald*, May 20th, 1854.

tion to smuggle, in the general articles of trade. There was, it is true, a general disposition to import and export those articles of which the movement was absolutely prohibited [49]—opium inwards, and tutenague (spelter) and silver outwards—but this was done with the full sanction of the responsible officials who, for a consideration, were active abettors in the infraction of the written law. Then the control exercised by the monopolies—Chinese, English, Dutch, and others—was removed and many privileges were secured by treaty; and, with the general attention of the world attracted to China, many were drawn to the East who had none of the old factory traditions. Concurrently with this came the general smuggling of opium, engaged in by many of the highest standing in the years following the resumption of trade in 1842; and the facility with which this was carried on, even at the entrance to the treaty ports, inevitably led to general smuggling, at first by the smaller men, then through stress of trading competition by others, and finally by all. Then came the confusion caused by the progress of the rebellion, in which, of the two principal ports, Canton was completely 'hemmed in' by rebel forces,[50] while the administrative city of Shanghai had been wrested from the control of the imperial authorities. The foreign powers maintained neutrality around both Canton and Shanghai; but, while at Canton this attitude did no more than to leave the contending forces to fight their own battle, at Shanghai its effect was to tie the hands of the government; without the declaration of neutrality Shanghai was lost to the empire and probably the course of history changed, but with it the Chinese authorities were debarred from giving the protection requisite for the collection of taxes. Merchants had at first been required to give bonds, but those given were afterwards repudiated; then came the period of the establishment of provisional customs stations in the port, with no power to enforce their rules, during which advantage was taken of the freedom from restraint

[49] "In exports I smuggled very largely of silver, because it was a prohibited article, and so was tutenague; and the rule which guided me was that I would smuggle the articles which were prohibited, but not those upon which a direct duty was laid."—Evidence of W. S. Davidson before Comm. of H. of Commons, 1830, cited in "Conflict," chap. viii, § 8, n. 24.

[50] Cf. "Conflict," chap. xvii, § 11.

of all flags other than the English, American, and French, and the merchants of those other flags—the non-treaty powers, Austria, Portugal, Siam, Prussia, Bremen, Hamburg, etc.—led the way in smuggling in which they were perforce joined by those of the treaty powers; and finally custom houses were established, not at the port, but in the interior, and against this measure and the collection of taxes elsewhere than at the port the three consuls felt it their duty to protest. Shanghai became in effect a free port; and practically from September, 1853, very generally from November, and absolutely from May, 1854, no revenue was collected for the Chinese government from its foreign trade.[51] While this condition may have been satisfactory to many among the individual merchants, it was viewed with alarm by the mercantile community in general, by the consuls, and by the officials of the Chinese government.[52]

§ 19. The bonds for the customs taxes due during the earlier period had been given only by the English and American merchants. Even if the custom house had been qualified to perform its functions, it would at that time have been very difficult to find for the payment of duties the cash which, once paid out, did not return to the market, but was hoarded [53]; and now, in the summer of 1854, the stringency was even more marked, and the enforcement of the bonds was felt to be, not only an injustice, but a financial impossibility. In July therefore the English merchants addressed their plenipotentiary protesting against the legality of the bonds on the grounds that the demand for them was *ultra vires* of the consul, that they had never been sanctioned by the British govern-

[51] Michie, "The Englishman in China," i, p. 152.

[52] "Much interest is felt at the present moment in reference to the question of duties, both as relates to the large accumulation of arrears for which bonds have been given, and the steps to be taken for the collection of custom-house dues in the approaching season. As regards both the past and the future, it is becoming pretty evident, that unless the plenipotentiaries of Great Britain and the United States, both of whom are on the spot, can effect some satisfactory arrangement with the Chinese High Authorities, and that quickly, the trade will be stopped, while a portion only can be diverted from this port to Foochow and Canton; and apart from the disadvantages attending such transfer, it may be doubtful whether Shanghai will recover the injury, when civil war and the attendant difficulties cease to offer further obstruction."—North-China Herald, June 17th, 1854.

[53] Cf. "Conflict," chap. xviii, §§ 9-13.

ment, that the provisional rules under which they were demanded had not been enforced on the merchants and ships of other flags, that the Chinese government had failed to perform their part of the reciprocal obligations imposed by treaty, and that protection was not yet afforded to their trade by the Chinese. They further pleaded that the consul, by whose executive act the bonds had been demanded, should not be allowed to decide judicially on their legality.[54] This contention was referred for the opinion of counsel in London, and it was held that the "promissory notes cannot be enforced" and that "there is not any other liability under the circumstances for the duties on the exports and imports in respect of which the promissory notes have been given." [55] This was also the opinion of the British government, and in September it was notified that "the bonds received for arrears of duties between the capture of the city of Shanghai and the 9th February" were to be cancelled and would be returned on application.[56]

§ 20. The American merchants also had been required to give bonds during the same period, and the question of their legality and enforcement was, by agreement between the Chinese authorities and the American merchants, referred for arbitration to the American commissioner, Mr. Robert M. McLane. The total amount of the promissory notes was Tls. 354,149, and by decision rendered on November 23rd, one-third of this sum, Tls. 118,050, was awarded to the Chinese authorities.[57] At the same time,

[54] English merchants to Sir J. Bowring, July 8th, in North-China Herald, July 15th, 1854.

[55] Opinion of Sir Fitzroy Kelly, Q.C., and James Willes, Q.C., in North-China Herald, Aug. 19th, 1854.

[56] Notification of British Consul, Sept. 11th, in North-China Herald, Sept. 16th, 1854.

[57] Decree of Robert M. McLane, Nov. 23rd, in North-China Herald, Nov. 25th, 1854. The sums paid by each firm were as follows :

	Tls.
Russell & Co.	39,095
Smith, King & Co.	29,497
Bull, Nye & Co.	20,984
Augustine Heard & Co.	18,495
Wetmore & Co.	9,498
Hiram Fogg & Co.	387
Frank Foster	84
Wm. G. Pierce	50
	<u>118,050</u>

on the other side of the globe, the State Department directed that the provisional rules of September 9th, 1853, were to be rescinded and the promissory notes returned cancelled to the merchants concerned [58]; but the award was held valid and ultimately, on April 13th, 1856, the sum awarded was paid to the Chinese authorities.[59]

§ 21. The foreign merchants of Shanghai, as a body, were not at ease in the situation imposed on them; the Chinese authorities could not be expected to remain quiescent when deprived of a revenue to which they were fully entitled; and the three treaty-power consuls were only too anxious to put an end to a state of anarchy in which the law-abiding merchants, found entirely among their nationals, were placed at a serious disadvantage. In the negotiations and settlement which followed, the leading part was taken by the British consul, Mr. Rutherford Alcock. He was a man of marked personality, with clear judgment and the faculty of prompt decision. He was one of the first batch of British consuls sent to carry out the provisions of the treaty of Nanking, 1842. In 1844 at Amoy [60] and again in 1854 at Shanghai,[61] he asserted the right to protect Chinese subjects actually in foreign employ; in 1845 he succeeded in "regaining the [British] prestige which had already been lost at Foochow" [62]; in 1848 at Shanghai, on an occasion in which he conceived the Chinese authorities to be negligent in their duty of protecting foreign life, he boldly declared war against the Chinese government and obtained the redress he demanded [63]; in 1853, when the Taiping forces had occupied Nanking, he took the lead in organising the defence of the foreign settlements at Shanghai [64]; and the neutrality of the port, declared successively during the same year by the plenipotentiaries of the three powers,[65] was so declared mainly on his advice and

[58] W. L. Marcy, Sec. of State, to Goodhue & Co., New York, Nov. 9th, 1854, in *North-China Herald*, Feb. 10th, 1855.

[59] *North-China Herald*, April 19th, 1856.

[60] Cf. "Conflict," chap. xiv, § 6.

[61] *Ibid.*, chap. xviii, § 8.

[62] *Ibid.*, chap. xiii, § 17.

[63] *Ibid.*, chap. xiv, § 23.

[64] *Ibid.*, chap. xviii, § 1.

[65] *Ibid.*, chap. xvii, § 15.

with his full support.[66] During the confusion which followed the capture of the walled city of Shanghai, when the revenue authority was in abeyance, he felt bound by a double duty: his first duty was to protect and to uphold the interests of British merchants and their trade; but on him was also laid by treaty [67] the further charge "to see that the just duties and other dues of the Chinese government are duly discharged by British subjects." These two duties he reconciled, and was able to carry them both into effect; but through all he was filled with the Palmerstonian ideal of the Englishman's duty—to instruct the ignorance of foreigners and reform the abuses in their laws and practices. It irked him to view the irregularities in Customs procedure and the corruption which marked the exercise of their functions by all Chinese officials; and he deplored the effect on foreign merchants produced by such practices.[68]

§ 22. The "promissory note" system, in which the consuls assumed the functions of a custom house, had broken down; the "provisional" system, in which the Chinese authorities had no physical protection, but were given the moral support of the consuls, had failed; and the "free" system of universal smuggling was one for which some substitute must be found. It was evident to all that the strict enforcement of the neutrality declared must be dropped; but in making this concession, Mr. Alcock demanded his price, and that was that the Chinese should introduce an "element of probity and vigilance" into the administration of the customs, and this he proposed to effect by means of supervision by foreigners, nominated by the consuls, but in the service of the Chinese and paid by them, and working under the authority of the Chinese

[66] Michie, "The Englishman in China," i, p. 142.

[67] Brit. tr. Nanking, 1842, art. ii. Cf. "Conflict," chap. xi, § 6.

[68] "We found that to secure the essential objects of these treaties as they now stand there is one thing plainly wanting and yet essential, an honest and efficient custom house, and who does not see that this is unattainable in China? . . . We should either have refused to concede a right to levy maritime duties, or obtained as the condition some better guarantee for its impartial exercise. . . . And when we consider the natural tendency of partial smuggling, . . . its disastrous influence on the general prosperity of the trade must be too plain to admit of contradiction; however it may temporarily enrich a few, it must eventually impoverish many."—Mr. R. Alcock to Sir G. Bonham, 1851, cited in Michie, "The Englishman in China," i, p. 146.

executive.[69] On these lines an agreement was made on June 29th between the three consuls and the Shanghai Taotai, Wu Kien-chang, who was then a refugee in the English settlement, of which the first article was as follows :

"Rule 1.—The chief difficulty experienced by the superintendent of customs having consisted in the impossibility of obtaining custom-house officials with the necessary qualifications as to probity, vigilance, and knowledge of foreign languages, required for the enforcement of a close observance of treaty and custom-house regulations, the only adequate remedy appears to be in the introduction of a foreign element into the custom-house establishment, in the persons of foreigners, carefully selected and appointed by the Taotai, who shall supply the deficiency complained of and give him efficient and trustworthy instruments wherewith to work."[70]

It was at first intended to appoint only one inspector, and for this Mr. Alcock and Mr. Murphy, the American consul, proposed the name of M. Arthur Smith, of the French consulate [71] ; but the French consul hesitated to assume the responsibility of such undivided control, and it was finally agreed that a nominee from each of the three consulates should be appointed. Accordingly the Taotai appointed as Inspectors of Customs at the port of Shanghai, to be a "board of inspectors with a single and united action," the following, in order of seniority: M. Arthur Smith, French; Mr. Lewis Carr, American; Mr. Thomas Francis Wade, British.[72] On the resignation of Mr.

[69] "The attempt [to introduce reforms] will not be unaccompanied by serious difficulties, . . . but I do not relinquish all hope of success if the collection of duties can in any way be brought under the effective control of the three treaty powers as to the executive of the custom house. On any other basis I believe every effort to benefit the Chinese revenue and at the same time protect the honest merchant must in the nature of things prove nugatory."—Mr. R. Alcock to Sir G. Bonham, May 1st, 1854.

"The sole issue out of the difficulties by which the whole subject is beset under existing treaties is to be sought in the combination of a foreign element of probity and vigilance with Chinese authority. . . . The free concurrence of the Chinese authorities is a first condition of success. . . . I propose the association with the Chinese executive of a responsible and trustworthy foreign inspector of customs as the delegate of the three treaty powers, to be appointed by the consuls and Taotai conjointly at a liberal salary."—Same to same, June 15th, 1854, cited in *ibid.*, i, p. 152.

[70] Joint notification of treaty-power consuls, July 6th, in *North-China Herald*, July 8th, 1854.

[71] Mr. R. Alcock to M. B. Edan, Consul de France, June 27th, cited in Michie, "The Englishman in China," i, p. 153.

[72] *North-China Herald*, July 15th, 1854. The salary attaching to the post was \$6000 to each inspector.

Wade a year later, Mr. Horatio Nelson Lay was appointed in his place.

§23. The new administration was inaugurated on July 12th. The regulations were few and simple, but the weakness of the executive and the privileged position of the foreign merchants necessitated some special stipulations. Any shipment or discharge of goods after sunset was to be "treated as smuggling and all the goods confiscated"; the consul's control over the ship was maintained, as provided by treaty; in case of false declarations by men in charge of lighters, "if a foreigner the Superintendent of Customs will request the Consul to examine the case and prohibit the party from pursuing the business of lightering"; and it was provided that, in order to earn respect for authority and prevent frauds on the revenue, "henceforth the Superintendent of Customs will levy the full penalty without any compromise . . . without distinction of persons or flags." [73] The new dispensation was welcomed by the consuls, whose aim it was to end the state of anarchy which existed; it was welcomed by the mercantile community as ending a condition which was of special advantage only to the less honest among their number; and it enabled the Taotai, the revenue officer of the port, to obtain a revenue which otherwise he had no means of collecting. The system of exact collection and published reports was, however, not so pleasing to the higher officials and to the central administration and court at Peking; and a year later the Taotai, who had consented to its introduction, was impeached and sentenced to banishment to the frontier. [74]

[73] Joint notification, July 6th, ubi sup.

[74] "The degraded Taotai, Woo-kien-chang, had been accused on various charges, into which Iliang and Koerhangah had carefully examined, and although it does not appear that he had any connection with the barbarians in fostering the rebellion, nor that he had purloined the duties; yet it does appear, that whilst he filled the situation of a high officer, he was on terms of friendly intercourse with the merchants belonging to several firms, who resided in the place of his jurisdiction; in carrying on this intercourse he manifested no scruple, until the rebels took possession of Shanghai. The said degraded officer, finding that he could not keep the rebels out of the city, then went and took refuge in a barbarian hong, whilst he falsely pretended that he was gone out on public business, which very much aggravates his offence. The emperor orders that he be heavily punished, and banished to the cold countries of Tartary, and there exert himself, in order to make some amends for his faults." Imperial edict, Dec. 15th, 1855, in North-China Herald, Jan. 12th, 1856,

CHAPTER II

THE INSPECTORATE GENERAL OF CUSTOMS

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§1. TRADING was the life of the foreign merchants resident in China, and the protection of trade was the first duty of the few foreign officials in that country ; and, at the port of Shanghai, for so long a time in a state of anarchy, this had now been subjected to regulation. The success of the new institution was immediate. Previously there had been no official report, and the only information

obtainable was derived from the reports of the consuls, who, for the information of their respective governments, calculated from the ships' manifests deposited with them the amount of duties paid by their nationals. On this authority it can be stated that, before the monetary stringency set in and before the capture of the city by the rebels, the collection reached its highest amount in 1851, when it was Tls. 1,372,052; and that, after the troubles began, the duties paid became insignificant in amount; while in less than five months from July 12th to November 30th, 1854, duties to the amount of Tls. 864,444 were officially reported as having been collected from the foreign trade of Shanghai [1]; and in 1859 the collection so reported was Tls. 2,902,377, [2] opium not being included in either case. This was attributed to "the energy and honesty thus imported into the administration," and the further advantage was noted that "the partial levy of duties and the capricious enforcement of regulations which fell so heavily on the British merchant no longer exist, and the custom house now weighs equally upon all." [3]

§ 2. The system of foreign inspectors did not, however, work without criticism or friction. The maxim—"Leave the Chinese to take care, themselves, of their customs business"—enunciated by Sir G. Bonham in 1851, [4] was set at naught by a procedure in which the inspectors were nominated by the consuls and were under the influence of their nominators. Of the system it was said that its "power, respectability, and usefulness is entirely the result of the instruments, aid and countenance given by foreign governments; it is an usurpation of an essential function of every healthy administration." [5] It was not a Chinese institution, able to call on the Chinese government for support in all matters; and it existed by sufferance of the foreign governments which had created it, and of the foreign merchants who were nominally subject

[1] North-China Herald, Dec. 9th, 1854.

[2] Mr. Bruce to Lord J. Russell, Oct. 26th, 1860, Corr. resp. Affairs in China, 1859-60, p. 249.

[3] Ibid.

[4] Cf. chap. i, § 10.

[5] Mr. T. T. Meadows to Mr. Bruce, Feb. 8th, 1858, Corr. resp. Earl of Elgin's Mission, 1857-59, p. 198.

to its jurisdiction.[6] Its employees commanded no respect, and its regulations were scouted, or at best were accorded a condescending acquiescence, and in this attitude the merchants were not infrequently supported by consular authority. One instance of this attitude will suffice. Rice is an article of food, the supply and cheapness of which is held by the Chinese government to be essential to the well-being of the millions of China; on importation it was (and is) admitted free of all duty, while its export has always been strictly prohibited. On August 28th, 1857, the American firm of Russell & Co. applied for permit to tranship from an importing vessel, the *Quickstep*, American, to an exporting vessel, the Tahitian brig *Spec*, under the French flag, 1600 bags of *Calcutta* rice, but permit was refused, this being the practice, owing to the impossibility of distinguishing between foreign rice, a permitted article of trade, and Chinese rice, trade in which was prohibited. On the same day, a representative of the French consul intervened and maintained that the rice was *Siamese* and therefore entitled to the permit. He was informed that the permit would be granted on receipt of a written declaration from Messrs. Russell & Co. that the rice in question was *bona fide* foreign rice, but that the opinion of the Taotai would be taken on the general question. That official expressed his disapproval of such a shipment; and on receipt, the next day, of a second application to tranship 1600 bags of *Java* rice from the *Quickstep* to the *Spec*, the permit was refused. Notwithstanding this the firm proceeded to make the transshipment, and, on September 2nd, a portion (400 bags) was seized by the customs officers while in transit. The firm then, acting under the sanction of the French consul, shipped two more boat-loads, and repelled with force the custom house officers who were sent to protest; and ultimately the vessel sailed without a permit, with its full cargo, but

[6] "I therefore merely state as to the 'only partial success' just mentioned, that, on passing through Shanghai a year ago, the representative of a large and old established house volunteered to me this information, that he could, through his Chinese people, 'arrange for' duties under the foreign inspectorate, just as he could before its existence. . . . Corruption with Chinese weakness may be suffered, because it can be overridden; but corruption supported by extraneous strength would be an evil too monstrous for endurance."—*Ibid.*

without having paid any duty. On September 22nd a letter of explanation and defence was sent by the Inspectors to the French consul, but it was returned unopened, on the ground that the consul could discuss French interests only with the Chinese authorities or with his colleagues, the other consuls.[7]

§ 3. This mercantile attitude to the Inspectors of customs was reflected in a letter addressed by the American merchants in 1856 to their representative. They recognised fully the merits of the institution, but declared that by it they were placed at a great disadvantage in comparison with other ports.

“Custom House business in China under Chinese supervision is conducted with a facility which greatly aids in the despatch of business and the ready lading of ships when haste is of importance, while, with the minute and in some respects vexatious regulations established by the Inspectors, this advantage disappears. Therefore, while expressing our desire in all cases and circumstances fully to meet our obligations under the treaty, a desire we have proved to be sincere by our conduct on all former occasions, we feel ourselves called upon by the interests of the port and of those whom we represent, to press earnestly upon your attention the expediency and justice of abolishing the present system.”[8]

Of the English merchants, on the other hand, while some objected to the system, still the larger number approved it and desired its extension to all the treaty ports. The latter party declared that “a board of foreign inspectors such as is now constituted, of three gentlemen unconnected with commercial interests, and acting under the Taotai, is the only system, under existing circumstances, by which duties can be impartially levied and the rights of the fair trader effectually secured.”[9] At a later date it was noted that “its adoption at the other ports has been steadily refused by the Chinese, while Shanghai stands in the invidious position of having a strict

[7] North-China Herald, Sept. 26th and Oct. 3rd, 1857. Memorandum by H. N. Lay, Jan. 11th, 1862, Further Papers rel. Rebellion in China, 1863, p. 171.

[8] American merchants of Shanghai to Dr. Peter Parker, Aug. 5th, in North-China Herald, Sept. 6th, 1856.

[9] English merchants to Sir J. Bowring, Sept. 4th and 5th, in North-China Herald, Oct. 18th, 1856.

collection of duties"; but, if it was thought desirable to retain the system at Shanghai, they considered it "highly expedient that all the ports open to foreign trade should be placed on precisely the same footing as regards the collection of duties." If this could not be done, it was proposed that the trade of foreign merchants at the ports should be freed from the levy of any duty, leaving the Chinese government at liberty to collect what duties they liked from Chinese merchants.[10]

§ 4. At Canton the custom house was placed in 1858 under the control of the allied forces in military occupation of the city.[11] At Amoy and Ningpo the foreign trade was of small importance; and at Foochow the tea which was to become so important a factor in the trade of the port, was first brought down for shipment thence in 1854.[12] Here the Chinese fiscal system was retained in full force; and the relative merit of the Shanghai system moved an English firm at Shanghai in 1855 to request permission to pay in to the Shanghai consulate the duties leviable on their teas to be shipped from Foochow, "so that her Majesty's government may decide what is the just proportion due from us to the Imperial treasury." The facility desired was refused, and the duties were paid under protest.[13] The next year in August an attempt was made by the American merchants of Foochow to make of it a free port, as Shanghai had been two years before, and four American ships left with cargoes of tea on which no duty had been paid. The ground for this action was the murder, earlier in the year, of an American named Cunningham, for which no redress had been obtained. A meeting of the English merchants was held to consider the question, and, on September 23rd, the British consul issued a notification to the effect that he was "prepared to clear British vessels on receiving from their consignees written security for the payment of all dues and duties to

[10] Memorandum of Chamber of Commerce, Lord Elgin to Lord Clarendon, Nov. 23rd and Dec. 22nd, 1857, Corr. rel. Lord Elgin's Mission, 1857-59, pp. 61 and 104.

[11] Lord Malmesbury to Lord Elgin, July 8th, 1858, Lord Elgin's Mission, 1857-59, p. 262.

[12] Cf. "Conflict," chap. xiii, § 16.

[13] North-China Herald, Sept. 15th, 1855.

which they are liable under treaty." Thereupon the American consul issued a notification that :

"Citizens of the United States importing or exporting merchandise subject to duty in any other than American ships, will pay the duty into the Chinese custom house, previous to such ship's departure. All persons except citizens of the United States who import or export merchandise subject to duty in an American ship, must pay the duty into the Chinese custom house, and furnish me with satisfactory proof of the same previous to the departure of the ship." [14]

On reflection this tempest in a tea-pot was allayed, with the consent of all concerned, by a resumption of duty payment to the custom house. [15]

§ 5. At Shanghai, as time went on, the Inspectors of customs commanded greater respect and their administration met the approval of the mercantile body, in whose interest, quite as much as in that of the Chinese revenue, the system had been introduced ; and the feeling of the merchants, as reflected by the expressed opinion of the Chamber of Commerce, was that :

"All the ports opened to foreign trade should be placed on precisely the same footing as regards the collection of duties. The system of foreign inspectorship . . . was instituted in consequence of the lax system previously prevailing on the part of the Chinese government, to prevent smuggling, and to place all upon an equality ; such a system, however, if continued under any new arrangement, must be applicable to all ports. . . . This system is the best, and has worked well at Shanghai." [16]

And later it was recorded that "the merchants, as a body, have been well satisfied with the working of the system, and favourable to its extension to the other trading ports in China." [17] The opinion of the merchants is likewise reflected in the Shanghai press, by which it was declared that :

"the experiment has succeeded to the extent of enforcing an equal and uniform payment of duties from all alike ; but, confined to one port only, it has placed that port at most unfair disadvantage as

[14] China Mail, Oct. 2nd, 1856.

[15] North-China Herald, Nov. 8th, 1856.

[16] Shanghai Chamber of Commerce to Lord Elgin, Oct. 2nd, 1857, Lord Elgin's Mission, 1857-59, p. 61.

[17] Mr. Bruce to Lord J. Russell, Oct. 26th, 1860, Corr. resp. Affairs in China, 1859-60, p. 248.

compared with its four competitors. . . . We are entitled to doubt whether the experiment is calculated for general adoption, but there can be no manner of doubt that it must be applied to all or none.”[18]

This was the view which prevailed in the mind of Lord Elgin when, acting in concert with the French and American envoys,[19] he signed, on November 8th, 1858, the “Agreement containing Rules of Trade.” Of these Rule x provided that :

“one uniform system shall be enforced at every port. The High Officer appointed by the Chinese government to superintend foreign trade . . . will be at liberty, of his own choice and independently of the suggestion or nomination of any [British] authority, to select any [British] subject he may see fit to aid him in the administration of the Customs revenue ; in the prevention of smuggling ; in the definition of port boundaries ; or in discharging the duties of harbour-master ; also in the distribution of lights, buoys, beacons, and the like, the maintenance of which shall be provided for out of the tonnage dues.”[20]

§ 6. Of the three Inspectors nominated in 1854, M. Arthur Smith, nominated by the French consul, was a man much respected, and had at first been proposed by the British and American consuls as sole inspector [21] ; but he (as did his successor, M. Edan) remained on the staff of his consulate, and regarded his customs responsibilities as subsidiary to his consular duties. The same was true of Mr. Lewis Carr, and of his successor as American nominee, Mr. M. W. Fish. The British nominee was Mr. T. F. Wade. He was succeeded in June, 1855, by Mr. H. N. Lay, who was “lent” from the consular service and devoted himself entirely to his customs charge. For this he was well qualified by his knowledge of the Chinese language, an acquirement not common in those days ; but he had one great defect, an imperious temper. This he had shown on several occasions, notably during the negotiations at Tientsin in June, 1858, when his bearing was such as to call out a formal protest from the Chinese negotiators, and to elicit a forcible expression of dis-

[18] North-China Herald, Oct. 9th, 1858.

[19] Cf. “Conflict,” chap. xxii, § 18.

[20] “Agreement containing Rules of Trade made in pursuance of article xxvi of the Treaty of June 26th, 1858,” Treaties, vol. i, p. 230.

[21] Cf. chap. i, § 22.

approval from the Russian envoy [22]; and he had, moreover, strong prejudices.[23] With all this, however, he had some great qualities: he was honest and energetic, and a capable organiser and administrator; he looked constantly into the future and builded more for that than for the situation of the hour; and to him, almost alone, certainly more than to any other man, was attributed the success of the inspectorate system at Shanghai. Because of his great merits, and despite his defects, he had acquired the confidence of the Chinese authorities.[24] He had gained the confidence of Lord Elgin, having been specially invited to join the delegates presenting the simultaneous notes of the four powers at Soochow in February, 1858,[25] to act as interpreter in the treaty negotiations in June,[26] and to be present at the discussions for settling the tariff and rules of trade in October [27]; in fact he had been the guiding spirit in all the negotiations of that year. He had also conquered the respect of the foreign merchants, and convinced them that his administration had worked for the benefit of trade and therefore of themselves. Mr. Lay was therefore obviously indicated as the proper person to extend to the twelve ports opened under the old and new treaties the system which had worked well in Shanghai.

§ 7. Mr. Lay, having first reorganised the Shanghai customs and placed it under a "commissioner of customs,"[28] subject to his own general authority, proceeded to Canton and in October, 1859, opened a custom

[22] Cf. "Conflict," chap. xxii, §§ 9, 10.

[23] "It is a matter of notoriety that, from the first hour of the experiment, its initiation, its progress, its practical working and guidance, its whole merits and defects, have had their beginning and their end in one individual, the English and senior inspector, Mr. Lay. Whatever that gentleman's faults of taste and temper, and they are not few if his opponents are to be credited, he has proved himself an honest and vigilant official, and if not altogether impartial in the extension of the courtesies and facilities which lie in the discretion of his office, probably as much so as could be expected from one of his youth and his opportunities to be otherwise."—North-China Herald, Oct. 9th, 1858.

[24] Mr. Bruce to Lord J. Russell, Oct. 26th, 1860, Corr. resp. Aff. China, 1859-60, p. 249.

[25] Cf. "Conflict," chap. xxi, § 21.

[26] Ibid., chap. xxii, § 9, n. 46.

[27] Ibid., chap. xxii, § 18.

[28] North-China Herald, Oct. 22nd, 1859. The first commissioner was William Lent, British.

house there, organised on the Shanghai lines. He then proceeded to Swatow, where a custom house was opened in January, 1860. The troubled state of the country delayed the further extension of the system,[29] and offices were opened at the other ports in the following years: 1861—Ningpo, Foochow, Chinkiang, Tientsin and Kiukiang; 1862—Amoy and Hankow; 1863—Chefoo; 1864—Newchwang. Mr. Lay, however, in the part he took in this matter was only acting in the capacity provided for in the Rules of Trade—as the subordinate of the “High Officer appointed by the Chinese government to superintend foreign trade.” The conventions of Peking, 1860, having provided for the payment of the indemnities from the customs receipts,[30] it became necessary to organise a consolidated service under the direct control of the imperial government; and, by a despatch from Prince Kung dated January 21st, 1861, he was appointed Inspector General of Customs,[31] “to exercise a general supervision over all things pertaining to the customs revenue and to foreign trade.” It was to be his duty to “aid the officers deputed to collect the revenue at the different ports”; to see that “foreigners did not sell goods for Chinese, and that the goods of Chinese merchants were not clandestinely included

[29] “I beg to acquaint you that, in consequence of the publication of an Order in Council by H.M. the Queen, which precludes me from further assisting the Chinese government in the collection of revenue at the present conjuncture, I have this day personally intimated to the Governor-General and Hoppo my intention to withdraw, for the time being, from all connection with the Chinese Customs, until the restoration of peace shall have been proclaimed by the Ambassador, the Earl of Elgin.”—H. N. Lay to F. Wilzer, Hongkong, Aug. 18th, 1860.

“I have resumed my post as Inspector General, and you will please hand over charge again to Mr. Ward on his arrival.”—H. N. Lay to F. Wilzer, Shanghai, Sept. 20th, 1860.

“As I prophesied, there is a row in the camp. Consequent upon the supposed commencement of hostilities in the north and an Order of Council in England, Mr. Lay feels called upon to resign his position in the Customs, and has advised all British subjects to do ditto.”—W. Wallace Ward to F. Wilzer, Hongkong, Aug. 21st, 1860.

“On my arrival here I was delighted to find that Mr. [Tudor] Davies has taken a sensible view of the state of affairs, and has not resigned his position in the Customs.”—Same to same, Shanghai, Sept. 4th, 1860.

[30] Cf. “Conflict,” chap. xxvi, § 26.

[31] The commissioners of customs had been called “shui-wu-sze,” thus placing them in the ranks of the provincial administration. Mr. Lay was appointed to be “tsung-shui-wu-sze,” which may be rendered “chief commissioner.” He adopted, however, “Inspector General” as his title in English.

in foreign cargo"; and, as it was impossible for the Chinese to gauge the relative merits of foreigners, he was to be "responsible for the misconduct of the foreign staff, was not to permit the commissioners or others of the staff to engage in trade, and was to dismiss any who were unsatisfactory." [32]

§ 8. On the opening of navigation to Tientsin in March, Mr. Lay was summoned to Peking for a personal conference with Prince Kung; and soon after his return to Shanghai he was severely wounded while engaged as a volunteer in the defence of the settlements against riotous bands of marauders. This reduced him to such a low state of health that he was compelled to drop all work, and he obtained leave of absence to enable him to return to England. To fill temporarily the post of Inspector General of Customs, a commission, dated June 30th, was issued to Mr. Robert Hart and Mr. G. H. Fitz-Roy conjointly, the wording of the despatch following closely that issued to Mr. Lay earlier in the year. [33] But, on the occurrence of Mr. Lay's incapacity, Mr. Hart had been summoned to Peking, and it was he alone who, on June 30th, communicated the text of the despatch to the commissioners in charge of the seven ports which had then been opened—including Mr. Fitz-Roy himself, who was, and remained, in charge of the Shanghai customs. Mr. Hart had no separate port, and during the next two years the actual direction of the service remained in his hands.

§ 9. In the course of suppressing the Taiping rebellion, the Chinese authorities had, on occasion, made use of chartered foreign vessels with foreign officers, in order to impose some check on the supply of arms to the rebels. [34]

[32] Cha-tze of Prince Kung to H. N. Lay, Jan. 21st, in North-China Herald, March 9th, 1861.

[33] Mr. Hart arrived in Hongkong in May, 1854, and was appointed Supernumerary in the British Superintendency of Trade. In the next four years he was Assistant in the Consulates at Ningpo and Canton. In April, 1858, he was appointed Secretary to the Allied Commissioners for the Government of the City of Canton; and, in October, Interpreter to the British Consulate. In June, 1859, having been granted special permission to resign, he was appointed Deputy Commissioner in the newly created Chinese Customs at Canton. Mr. Fitz-Roy came to China in 1857 as Attaché to Lord Elgin's mission, and, on the departure of the mission, received the appointment of Commissioner in charge of the Shanghai customs.

[34] For example, the *Confucius* ("Conflict," chap. xv, § 5, postea, chap. iv, § 6), and the *Clown, and Compton*. ("Conflict," chap. xvi, § 3.)

In 1862 it was suggested to the imperial government that a properly organised navy should be created, manned by Europeans, for the purpose of hemming in the Taiping forces; and Mr. Hart proposed to Prince Kung that advantage should be taken of Mr. Lay's presence in England, to put the matter in his hands. Mr. Hart was accordingly, on March 14th, directed to write, instructing Mr. Lay to purchase and equip a steam fleet in England, and to "lose not a day" in bringing it out to China.[35] On receiving these instructions, Mr. Lay informed the Foreign Office of his mission, stating that the purpose of the force was primarily to re-establish the imperial authority on the Yangtze and commercial security on the inner waters, and next to suppress piracy along the coast; and he asked that the sanction of the government be given "in order that officers and men, British subjects, may be at liberty to take employment under the Chinese government." [36] Later, having selected Captain Sherard Osborn to command the fleet, he applied for the "Queen's licence, authorising Horatio Nelson Lay and Sherard Osborn, a captain in the Royal Navy, to accept naval and military service in the employ of the Chinese government, to fit out and equip vessels for warlike purposes in China, and to enlist British subjects to serve in naval and military operations in China." [37] The decision of the government was that licences under the Royal Sign-Manual might be granted to enter the Chinese service, and also to fit out and equip vessels for the Chinese government, but that no measures should be taken in reference to Mr. Lay's desire to enlist British subjects.[38]

§ 10. At this stage two points were raised, on which Earl Russell desired fuller information—the flag under which the men were to serve, and Mr. Lay's authority for acting on behalf of the Chinese government. China had

[35] Corr. resp. the fitting out, etc., of the Anglo-Chinese Fleet under the command of Capt. Sherard Osborn, and the dismissal of Mr. Lay from the Chief Inspectorate of Customs (referred to as "Anglo-Chinese Fleet"), p. 3.

[36] Mr. Lay to Earl Russell, June 16th, 1862, Corr. resp. employment under the Government of China of officers in the naval or military service of her Majesty, 1862, p. 1.

[37] Same to same, July 9th, 1862, *ibid.*, p. 4.

[38] Mr. Layard (F.O.) to Mr. Clive (Home Office), July 30th, 1862, *ibid.*, p. 5.

no national flag: the only national flags it knew were those indicating that the envoys of vassal states were bearers of tribute; and the empire required no distinguishing emblem. Ships of war commissioned to suppress rebellion and piracy must, however, fly a national flag, in order that the ships of Western powers might recognise their legal right; and Mr. Lay was driven to devise a flag to serve the purpose. He therefore proposed to adopt as the national ensign of China one bearing on a green field a yellow cross saltire.[39] The question having been referred to Peking, Prince Kung informed the foreign envoys that a triangular yellow flag charged with a dragon had been adopted as the "government flag of China," and that it was to be flown on all Chinese war vessels.[40] Mr. Lay received corresponding instructions; but he so interpreted them that he sent to Earl Russell a drawing of the flags to be flown by the ships equipped by him and Captain Osborn—"Ensign: green ground, intersected by two yellow diagonal bands, bearing the Imperial Jack in the centre. Jack: yellow, triangular, with Imperial blue dragon." [41]

§ 11. In acting on the authority of despatches from Mr. Hart, Mr. Lay had followed Chinese custom. Commissions were unknown, and official action was in that country taken by authority of imperial orders transmitted by despatch through the proper channels. Mr. Lay accordingly informed the Foreign Office that he "held such written authority, dated the 14th March, 1862, from my locum tenens, Mr. Hart, to purchase and equip a steam fleet, in accordance with instructions from the imperial government"; and added that he had since, by direction of Prince Kung, received regular remittances of money for that purpose, and had been urged to lose no time in carrying out his instructions.[42] Subsequently Mr. Lay's commission was made regular by the communication by Prince

[39] Mr. Lay to Earl Russell, Aug. 13th, 1862, "Anglo-Chinese Fleet," p. 1. This flag has from that time been flown as Jack at the bow of Chinese customs cruisers.

[40] Prince Kung to Mr. Bruce, Oct. 22nd, 1862, *ibid.*, p. 5; to Mr. Burlingame, U.S. For. Rel., 1863, ii, p. 836.

[41] Mr. Lay to Earl Russell, Jan. 28th, 1863, "Anglo-Chinese Fleet," p. 4.

[42] Mr. Lay to Mr. Hammond, Oct. 9th, 1862, *ibid.*, p. 3.

Kung to Mr. Bruce of instructions sent on October 24th, by which Mr. Lay was charged with the purchase of ships, cannon, ammunition, coal and other supplies for the ships ; the engagement of officers, gunners, and sailors for manning the ships, and "to make whatever arrangements may, in his judgment, seem desirable in carrying out this purpose" ; and the retention of a reserve fund to provide for any liabilities which might be incurred.[43] This placed Mr. Lay on a satisfactory footing with the British government ; and, in recognition of his past services in organising the customs establishment, and of his present important position, he received the distinction of a Companionship of the Order of the Bath.

§ 12. A compact squadron of seven steamers capable of serving as a war fleet, besides one storeship, was bought and equipped, and was despatched to China. Before it sailed, an agreement [44] was drawn up and signed by Mr. Lay and Captain Osborn in the following terms.

"LONDON, JANUARY 16TH, 1863.

"The following conditions embody our mutual understanding :

"1. Osborn agrees to take the command of the European-Chinese navy for a period of four years, and stipulates that there shall be no other European naval Commander-in-Chief.

"2. Osborn, as Commander-in-Chief, is to have entire control over all vessels of European construction, as well as native vessels manned with Europeans, that may be in the employ of the Emperor of China, or, under his authority, of the native guilds.

"3. Lay will procure from the Emperor such an authority as may be necessary to cover Osborn's acts as the Commander-in-Chief of the European-Chinese navy.

"4. Osborn undertakes to act upon all orders of the Emperor which may be conveyed direct to Lay ; and Osborn engages not to attend to any orders conveyed through any other channel.

"5. Lay, upon his part, engages to refuse to be the medium of any orders of the reasonableness of which he is not satisfied.

"6. Osborn will appoint all officers and men on board the vessels of the force, subject however, to the approval of Lay, as the representative of the Emperor.

"7. Osborn's subordinates will not be at liberty to act without his permission ; and Lay will not authorise his subordinates to call upon them to act without having first consulted Osborn, and obtained the necessary order.

[43] Prince Kung to Mr. Lay, Oct. 24th, 1862, "Anglo-Chinese Fleet," p. 6.

[44] *Ibid.*, p. 7.

"8. Lay and Osborn agree to carefully inquire into any complaints that may be preferred against the officers and men employed in the force by Chinese officials.

"9. The force being European, it is indispensable that the flag under which it acts should have an European character, first, to secure its own efficiency; secondly, to ensure for it due respect in the eyes of the foreign communities.

"Lay, therefore, agrees that the flag shall be green, with two yellow diagonal bands, bearing in the centre a blue imperial dragon. Green is chosen because it is rarely used by European Powers, and therefore not likely to be confounded with any other national colours.

"10. Lay undertakes to procure from the Emperor, as soon as possible, a sum of money as a guarantee fund, to cover the pay and maintenance of the force for four years, and in the meantime it is understood that the vessels, with their equipment, will constitute the security for the just claims of the force.

"11. In the event of the death of either Lay or Osborn, these conditions, which are entered into with the authority of the Emperor of China, are not, it is understood, in either case to be departed from.

"12. The conditions of this understanding, the terms of the formal agreement, and the printed instructions, shall be formally ratified by the Emperor at Peking, before Osborn shall be called upon to act with the force under his command.

"13. In the event of Osborn's death from disease while in command of the force, Lay will recommend the Emperor of China to make some grant to his widow and children.

"(Signed) H. N. LAY.

SHERARD OSBORN."

§13. Mr. Lay was a man of magnificent conceptions, who saw in the simple task, with which he had been charged, an opportunity to regenerate China and to establish her relations with the Western powers on a new and sounder footing. In these new relations he was to be the guiding spirit of the imperial government. He was :

"ambitious of obtaining the position of middle-man between China and the foreign powers, because I thought I saw a way of solving the problem of placing pacific relations with China upon a sure footing. . . . My position was that of a foreigner engaged by the Chinese government to perform certain work *for* them, not *under* them. I need scarcely observe that the notion of a gentleman acting *under* an Asiatic barbarian is preposterous." [45]

[45] H. N. Lay, "Our Interests in China," p. 19. "Lay paraît avoir été, sinon frappé d'un accès de magalomanie, au moins complètement dépourvu de tact."—Cordier, "Relations de la Chine avec les Puissances Occidentales," i, p. 155.

While this was the motive influencing Mr. Lay, who had been "acting under an Asiatic barbarian" and drawing Chinese pay for eight years,[46] Captain Osborn also accepted service under the Asiatic barbarian and took his pay with a similar reservation; and he defended clauses 4 and 5 of the agreement by remarking—"Is this squadron to carry on war in China upon a Chinese method? Through what channel is Captain Osborn, unacquainted as he is with the language, to communicate with the emperor or regent? How shall he be protected against the charge of disobedience of orders? How are cruel or unjust orders from Peking to be prevented? How shall European officers and seamen levy war for a barbarous sovereign, without being made to participate in acts which our country would repudiate?"[47]

§ 14. These being the views of the two colleagues, the instruction given to Mr. Lay "to make whatever arrangements may, in his judgment, seem desirable,"[48] was interpreted in a sense so wide that the interpretation was not likely to be accepted by the ministers responsible for the administration of the empire. Mr. Lay had taken upon himself to alter the constitution of China; to declare that the practice of working through the provincial authorities was to be abandoned; to force the imperial government to establish, for the first time, an imperial navy, and even (clause 2 of the agreement) to embody in it the ships which were then engaged, under provincial authority, in suppressing rebellion and piracy; and for this purpose Mr. Lay, a foreign subordinate employed in commercial affairs,[49] was to be First (and sole) Lord of the Admiralty, responsible only to, and taking his orders only from, the emperor or his premier. Captain Osborn arrived in Shanghai with the last of his fleet in September, 1863, and found, awaiting his arrival, a despatch from Prince Kung in which he was informed that "the high Chinese officer already nominated by the Viceroy of the Two Kiang and

[46] Cf. chap. i, § 22.

[47] "Anglo-Chinese Fleet," p. 8.

[48] Cf. *antea*, § 11.

[49] "They do not look upon the Inspector-General as anything more than a subordinate officer in their employ, . . . they do not consider him as a political officer at all, nor do they consult him as of right even in questions affecting foreign trade."—Sir F. Bruce to Earl Russell, Nov. 19th, 1863, "Anglo-Chinese Fleet," p. 22.

the Governor of Kiangsu was appointed commander-in-chief of the fleet," that Captain Osborn himself was appointed assistant commander-in-chief, and that the expenditure for its maintenance was entrusted to Mr. Lay. As assistant commander-in-chief Captain Osborn was to have control of the foreigners of the fleet, but in his operations he was to be under the orders of the viceroys and governors within whose jurisdiction he might be.[50]

§ 15. This was the way in which the ministers of an empire, struggling for its existence indeed, but as yet still a sovereign state, interpreted the instructions given to Mr. Lay. Any other interpretation was out of the question. Apart from all other considerations it would have been quite impossible for the imperial administration to override the authority of the viceroy and the governor then engaged in the operations against Nanking and Soochow which were to have been supported by the fleet. The one was Tseng Kwo-fan, who had brought his co-provincials, the men of Hunan, to the rescue of the empire, and who, after a victorious career in Hupeh and Kiangsi, had been appointed High Commissioner and Viceroy of the Two Kiang, and was then in command of the troops operating against Nanking. The other was Li Hung-chang, who had shown ability, courage, and patriotism in the defence of his native province, Anhwei, who had been the lieutenant of Tseng in his campaigns, and who, on Tseng's nomination, had been appointed Governor of Kiangsu; he was now in command of the troops operating against Soochow, included in which was the "Ever-victorious Army," formerly under Ward, now under Gordon. The wishes of these two high officers were the dominant factor in the situation; and, even had he desired it, Prince Kung was not free to delegate uncontrolled authority over the fleet to two Englishmen who might, for aught the Chinese could know, have at any time imitated the treason of Burgevine, another foreigner who had been in their service.[51]

§ 16. Two courses were open to Captain Osborn. He might have used his fleet in the way required of him, recording such protest as might seem to him necessary;

[50] Prince Kung to Capt. Osborn, July 8th, 1863, transmitted in letter Mr. Lay to Capt. Osborn, Sept. 25th, "Anglo-Chinese Fleet," p. 8.

[51] Cf. chap. iv, § 20; chap. v, §§ 9, 10.

have made good his promise of effective co-operation ; and, on the first barbarous act demanded of him, or if he strongly disapproved of the strategy of his superiors, he might have resigned his office, as Gordon repeatedly threatened to do during the same year. In such a case it cannot be doubted that he would have carried with him all his officers and most of his sailors, so entirely was he trusted by all under his command.[52] He preferred the alternative course. He took the fleet from Shanghai, where efforts had been made to entice his men from him, and, leaving it at Chefoo, proceeded in person to Peking ; there he found Mr. Lay, who had arrived at the capital in June. He at once demanded the ratification, in its entirety, of the agreement which he had entered into with Mr. Lay, to whom had been given " formal authority to enter into all such agreements as he might think necessary " ; and he declared that he had " no intention of submitting to such terms " as those contained in Prince Kung's despatch to himself : naval operations could not be successful if he was fettered ; he had come " to serve the emperor, not to be the servant of mere provincial authorities " ; his officers and men had joined " under a specific agreement to serve me as commander-in-chief " ; and he declined to put himself in the humiliating position occupied by Major Gordon, especially under so " unprincipled an official " as Li Hung-chang.[53] After waiting at Peking for three weeks without obtaining ratification of his agreement or modification in the arrangements proposed, Captain Osborn informed Prince Kung that, in the existing situation, it would be necessary to " immediately disband the force." [54] In communicating this intention to the British envoy, he recognised that, as the vessels had been paid for by the Chinese, he had no right to detain them, but he pointed out the " danger if vessels of so formidable a character were trusted to the rowdies and pirates now so numerous in Shanghai." [55]

[52] Personal statement of Mr. W. Cartwright, who was midshipman in the Anglo-Chinese fleet, and who spent in China the next thirty years of his life.

[53] Capt. Osborn's remark upon Prince Kung's Letter of Instructions, Sept. 28th, 1863, " Anglo-Chinese Fleet," p. 10.

[54] Capt. Osborn to Prince Kung, Oct. 15th, 1863, *ibid.*, p. 12.

[55] Capt. Osborn to Sir F. Bruce, Oct. 19th, 1863, *ibid.*, p. 13.

§ 17. This danger had been pointed out by others ; also the danger, if the ships were not delivered to the Chinese, but were to be sold, of their getting into the hands of the Taiping rebels or of hostile Daimios in Japan.[56] There was above all the danger lest they might be bought by the American Southern Confederacy, and, having their base in a country which could not properly defend its neutrality, might then be used as privateers to attack American shipping. This was represented to the British envoy, who at once recognised the gravity of the danger,[57] and, influenced as much by this as by other considerations, he instructed Captain Osborn that the men were to be paid off and sent home, and that the ships were to be sent to England or to India, and there sold for the benefit of the Chinese government. At the same time he provided for the possibility that the Chinese government, not having the ships delivered to its officers, might refuse to recognise their liability for payment of the men on board, and undertook in such event to meet any deficiency on this head out of the indemnity payable under the treaties of 1858 and 1860, besides advising the British government to buy the ships.[58] The Chinese government had, up to the end of October, spent a sum of Tls. 1,295,000,[59] to obtain a fleet, and had incurred a further liability of Tls. 375,000 for disbanding the force and sending the ships back to England [60] ; and for this expenditure of over £550,000 sterling it had nothing.

§ 18. Captain Osborn's position was difficult. When he made his agreement with Mr. Lay, he was still in England, and his force was yet to be enlisted. Had he been on the field of operations, as was Gordon, and had his force been ready to his hand, as the " Ever-victorious Army " was to

[56] Sir F. Bruce to Earl Russell, Nov. 19th, 1863, *ibid.*, p. 23.

[57] Mr. A. Burlingame to Sir F. Bruce, Nov. 7th, 1863, U.S. For. Rel., 1864, iii, p. 349. The Secretary of State later instructed the American envoy in London to " make a further expression of the estimation in which Sir F. Bruce's conduct is held by the American government."—Mr. Seward to Mr. Burlingame, March 21st, 1864, *ibid.*, p. 378.

[58] Sir F. Bruce to Capt. Osborn, Nov. 6th, 1863, " Anglo-Chinese Fleet," p. 14 ; Mr. Seward to Mr. C. F. Adams (U.S. envoy to England), Dec. 2nd, 1865, U.S. For. Rel., 1865, i, p. 670.

[59] Prince Kung to Mr. Lay, Nov. 20th, 1863, " Anglo-Chinese Fleet," p. 39.

[60] Mr. Lay to Prince Kung, Nov. 20th, 1863, *ibid.*, p. 38.

Gordon's, he could have unhesitatingly accepted a command with a Chinese superior, and found in a resignation of his commission a complete remedy for any wrongs inflicted on him, as did Gordon only a month later.[61] But Gordon did not have the personal responsibility toward the force under him that weighed on Osborn; and when the latter refused to hand the ships over to the Chinese, and declared that he must disband his force, if his command was not conditioned by his agreement with Mr. Lay, whom he considered to have been provided with full powers, his conduct met with the approval of those best qualified to judge. The British envoy entirely approved the "honourable and dignified course" Captain Osborn had pursued. "An officer more alive to pecuniary advantages, and less careful of his own honour, might have admitted some unsatisfactory compromise as to his position. . . . However disappointing the result of your honourable wish to advance the cause of progress in China, you have the consolation of knowing that you have gained the respect and approval of persons of every nation who are acquainted with the course you have pursued." [62] In writing to the Foreign Office he bore further testimony to the "great sagacity and the most honourable spirit" shown by Captain Osborn.[63] The American envoy had taken a prominent part in composing the awkward position in which the British and Chinese governments had found themselves, for which he had been specially thanked by the British envoy and by Prince Kung [64]; he too expressed a favourable opinion of Captain Osborn's action:

"Had Captain Osborn thought more of his pecuniary interests and less of his own and his country's honour, he would have taken the command on the Chinese conditions. . . . For his noble course I do hope he may be appreciated at home, as he is here, not only by the representatives of foreign governments, but by the Chinese themselves. They had come to believe that every foreigner could be had for money, upon any terms. One man has illustrated the higher

[61] Cf. chap. v, § 14.

[62] Sir F. Bruce to Capt. Osborn, Nov. 6th, 1863, "Anglo-Chinese Fleet," p. 14.

[63] Sir F. Bruce to Earl Russell, Nov. 19th, 1863, *ibid.*, p. 25.

[64] Same to same, Nov. 19th, 1863, *ubi sup.*; Tsungli Yamen to Mr. Burlingame, Nov. 2nd and 23rd, 1863, U.S. For. Rel., 1864, iii, pp. 345, 349.

quality of western civilisation, and that man is Captain Sherard Osborn.”[65]

The French and Russian envoys also approved the course which had been followed.[66] The Chinese government could not be expected to enter fully into the feelings which moved Captain Osborn to deprive them of the use of a fleet for which they had paid and on which they had counted for the suppression of the rebellion; but none the less they expressed their thanks to him and to the British government for what had been done in their behalf, and spontaneously presented him with a sum of Tls. 10,000 over and above all sums due under his contract.[67]

§ 19. On Mr. Lay the vexation of the Chinese was visited. To his faulty arrangements they ascribed all the difficulties that had arisen. At the time when the definite instructions to Mr. Lay had been sent through Mr. Hart, in October, 1862, the latter proposed that “an officer of high rank be appointed to act with Sherard Osborn in the control and management of the fleet,” and further proposed the appointment of Chinese officers, one for each ship, and the enlistment for the fleet of 200 Hunan men as gunners, 200 Shantung men as sailors, and 150 Manchus as marines; and he added—“The above is only a general idea of the probable arrangement; what the actual arrangement will be, can only be known when the vessels arrive.”[68] The Chinese naturally expected that the organisation of the fleet would be effected on these lines, and that there was “no intention of depriving the Chinese government of the military authority”[69]; but Mr. Lay declared that he had never received the letter communicating these intentions.[70] When, then, the Chinese were confronted with the organisation proposed in the Lay-Osborn agreement, they were taken aback; they saw danger ahead in other directions if a subordinate officer could thus arrogate to himself sovereign authority. There

[65] Mr. Burlingame to Mr. Seward, Nov. 7th, 1863, *ibid.*, p. 343.

[66] *Ibid.*

[67] *Ibid.*; Prince Kung to Sir F. Bruce, Nov. 2nd, 1863, “Anglo-Chinese Fleet,” p. 31.

[68] Mr. Hart to Prince Kung, Oct. 1862, “Anglo-Chinese Fleet,” p. 28.

[69] Prince Kung to Sir F. Bruce, Oct. 25th, 1863, *ibid.*, p. 27.

[70] Mr. Burlingame to Mr. Seward, Nov. 7th, 1863, U.S. For. Rel., 1864, iii, p. 343.

were some foreigners who declared that Mr. Lay was made a "scapegoat," the Chinese having themselves altered their line of policy [71]; but otherwise the chorus of condemnation was universal. The British envoy attributed to "the honours conferred on him by her Majesty and his acquaintance with men of influence and standing," the assumption by Mr. Lay of "rather the dictatorial tone of an independent authority than the language of persuasion appropriate to the agent of the government he was addressing." No action had been taken by the foreign envoys to thwart the ratification of the agreement, and the opposition to it came entirely from the Chinese, who considered that, by the powers to be "vested in Mr. Lay, he would be enabled, indirectly, to compel them to act in all matters in subservience to his will." The language and pretensions of Mr. Lay tended to increase these apprehensions: he demanded an imperial palace to live in; he "acted as if he held the independent position of head of a great revenue department," superior to the control of ministers of state; he would give no accounts, but promised them "in due time"; and he demanded the dismissal of two Chinese colleagues appointed to act conjointly with himself in control of the customs. In short, "it was impossible to doubt" that he aimed at an unfettered control of the customs collection and of the foreign policy of the empire—"He was to dictate the policy to be pursued; it was to be promulgated to the empire by imperial decree, and to be executed" by the fleet and land forces, "the expenses of which were to be provided for out of the customs revenue." In all this he had mistaken his position. In all the four months, June to October, he had not once been admitted to a personal interview with Prince Kung; and the Chinese were "profoundly irritated, not only because of the embarrassments in which they are involved by his having exceeded his authority, but on account of the position he thus sought to create for himself—they attribute his conduct to personal motives, and their confidence in the good faith of foreign agents has been most seriously shaken." [72]

[71] Michie, "Englishman in China," i, p. 389; editorial in *North-China Herald*, Jan. 2nd, 1864.

[72] Sir F. Bruce to Earl Russell, Nov. 19th, 1863, "*Anglo-Chinese Fleet*," p. 21.

§ 20. This summary of Mr. Lay's attitude, as reported by the British envoy, was confirmed by the direct statements of the Chinese authorities to the American and other envoys resident in Peking :

" that they had lost confidence in Mr. Lay ; that he had not only required that the flotilla should be placed in his hands, but that he should have entire control of the customs revenue ; that he had been impertinent to them ; that he had demanded to be put on a level with the chief officers of the government ; that he had requested that large sums of money should be given him, so that at Peking he might maintain more than imperial state ; that he had requested a foo to live in, against the customs of the empire, as none but members of the royal family are permitted to reside in these." [73]

The foreign envoys were further informed that, if Mr. Lay had been a Chinese subject, he would have been punished according to law ; but as he was an Englishman, he would be merely dismissed from the Chinese service. [74]

§ 21. Mr. Lay was accordingly, on November 15th, dismissed from his post of Inspector General of customs. He was instructed to hand over his balances forthwith, and was given four months in which to close up his accounts and hand them to his successor. At the same time the Chinese eased the blow by liberality in money matters : they made him a special allowance of Tls. 3000 a month (Tls. 15,000 in all) for the expenses of his establishment in Peking from June to November 15th ; his salary, originally Tls. 12,000 a year, was increased to Tls. 24,000, and at this rate he was authorised to draw from May 1st, 1863, to March 15th, 1864 ; and he was given a special gratuity of Tls. 6000. [75] Though he received permission to leave China before the end of the four months allowed to him, these sums were paid in full ; and Mr. Lay received £14,000 sterling for the period during which he was in conflict with the government in whose service he was.

§ 22. Mr. Robert Hart was appointed to succeed Mr. Lay as Inspector General of customs. The appoint-

[73] Mr. Burlingame to Mr. Seward, Nov. 23rd, 1863, U.S. For. Rel., 1864, iii, p. 348.

[74] Circular despatch of Prince Kung to foreign envoys, Nov. 15th, 1863, "Anglo-Chinese Fleet," p. 35 ; Cordier, "Relations," i, p. 156.

[75] Despatches of Prince Kung in Sir F. Bruce to Earl Russell, Nov. 27th, 1863, "Anglo-Chinese Fleet," p. 34.

ment met with general approval. Prince Kung himself recorded that "your prudence, tact, and experience are known to all." [76] Sir F. Bruce stated, with reference to the subordinate position of the Inspector General, that "it was only at my invitation . . . that Mr. Hart was able two years ago to come to Peking, [77] and it was only by his tact, good sense, and modesty that he obtained access to Prince Kung" [78]; and later he expressed the hope that "the change will make the custom house work more smoothly." [79] The American envoy, Mr. Burlingame, was no less pronounced—"Mr. Hart has deservedly their confidence. For two years past he has acted in the place of Mr. Lay, and by his tact and ability has won the regard of every one. Our countrymen were particularly well pleased with him." [80] The opinion of the foreign merchants may be found in the following expression—"Mr. Lay has contrived to make himself most obnoxious to all the foreign community in China, and his dismissal, together with the appointment of the gentleman who succeeds him, has received unqualified approbation from all classes." [81] It had been specially arranged that Mr. Hart was not to reside in Peking; during his acting incumbency of the post of Inspector General, he had come to Peking only "when sent for on business"; and this course was considered desirable, since, if he were permanently to reside in Peking, he would be "supposed to act as the adviser of the Chinese in matters not pertaining to his office, and thereby incur the odium of the errors they commit." [82] The needs of the time were, however, too urgent to permit of the Chinese ministers depriving themselves of the counsel of one whose

[76] Prince Kung to Mr. Hart, Nov. 15th, 1863, *ibid.*, p. 36. See also chap. iii, n. 16.

[77] Cf. *antea*, § 8.

[78] Sir F. Bruce to Earl Russell, Nov. 19th, 1863, *ubi sup.*

[79] Same to same, Nov. 27th, 1863, *ubi sup.*

[80] Mr. Burlingame to Mr. Seward, Nov. 23rd, 1863, U.S. For. Rel., 1864, iii, p. 348.

[81] North-China Herald, Jan. 2nd, 1864.

[82] Sir F. Bruce to Earl Russell, Nov. 27th, 1863, "Anglo-Chinese Fleet," p. 34.

"After what had happened, we [the foreign envoys] felt it to be our duty to urge upon them [the Chinese] the expediency of not permitting the inspector of customs, or any other foreign employé, whose business was on the coast, to reside at Peking in a quasi-diplomatic capacity."—Mr. Burlingame to Mr. Seward, Nov. 23rd, 1863, *ubi sup.*

advice was to be their guide in difficulties for so many years to come. Mr. Hart returned to Shanghai at once after receiving his appointment, in order to close up the accounts of the fleet ; in May, 1864, he returned to Peking, and, except for an expedition to open Newchwang in September, remained there until the end of October ; then he returned to Shanghai, and during the winter visited the several ports under his jurisdiction. The following August, 1865, found him with his office established at Peking, and there it remained permanently from that time.[83]

[83] Customs archives.

He was summoned to Peking by Prince Kung, and had, himself, made all his arrangements for making his headquarters in Shanghai.—Personal statement of W. Cartwright, who was then on his staff.

"I am still at Peking and may possibly remain here ; rather a sell, for I had just moved into and furnished my house at Shanghai ! The Yamen, however, thinks that I can be of more use at Peking, and I am likely to receive orders to reside here permanently."—R. Hart to C. Hannen, Sept. 28th, 1865.

CHAPTER III

THE COUP D'ÉTAT

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§ 1. THE most important point settled as the result of the war of 1860 was that the envoys of the four treaty powers should reside permanently in Peking, and not simply visit the capital when called there by urgent business.[1] The British and French legations travelled together from Tientsin in the spring of 1861; but, as the French envoy, M. de Bourboulon, had not yet been presented to Prince Kung, who was acting as vicergerent of the emperor, he made the first entry into Peking on March 25th; the British representative, Mr. Frederick W. A. Bruce, entered the next day. Each legation occupied an imperial "fu,"[2] the British that of the

[1] Cf. "Conflict," chap. xxii, §§ 21, 22; chap. xxvi, § 26.

[2] Cf. chap. ii, § 20. The perpetual rent payable for the Liang-kung fu, occupied by the British Legation, was Tls. 1500 a year.—Rennie, "Peking and the Pekingese," i, p. 29.

Dukes of Liang, the French that of the Dukes of Tsin. The newly appointed Russian envoy, General L. de Balluseck, arrived from Kiakhta on July 8th. The American envoy, Mr. Anson Burlingame, arrived at Canton in November, and, after spending six months at Shanghai, reached Peking on July 20th, 1862. Mr. Burlingame had been instructed that he was to "consult and co-operate with the British and French ministers, unless in special cases there should be satisfactory reasons for separating from them." [3] This policy of consultation and co-operation, generally directed to the benefit of China and to a large extent influenced by Mr. Burlingame, was the keynote of all action taken during the next few years by the small body of foreign representatives then in Peking.

§ 2. To this body admission was now claimed by a fifth envoy in the person of Graf Eulenburg, commissioned to negotiate a treaty for Prussia, acting for herself and the other members of the German Zoll- und Handels-Verein. [4] His arrival at Shanghai created some surprise: Prussian and other German merchants and ships had managed heretofore without a treaty; why should they need one now? He proceeded to Tientsin and declared to Chunghow, the High Commissioner for Trade, his desire to open negotiations. That official also expressed surprise: the treaties made in 1858 with the four powers provided the rules for the conduct of the trade of all Western nations; Sweden and Norway had, it is true, negotiated a treaty in 1847; but when, in 1845, Belgium had claimed the same privilege, her envoy had to be content with an exchange of despatches granting her the right to trade under the procedure established by existing treaties [5]; and Graf Eulenburg was told that he

[3] Mr. Seward to Mr. Burlingame, March 6th, 1862, U.S. Papers rel. Foreign Affairs, 1862, p. 839.

[4] Bavaria, Saxony, Hannover, Württemberg, Baden, Electoral Hessen, Grand-ducal Hessen, Brunswick, Oldenburg, Luxemburg, Grand-ducal Saxony, Saxe-Meiningen, Saxe-Altenburg, Saxe-Coburg and Gotha, Nassau, Waldeck, Pyrmont, Anhalt-Dessau-Köthen, Anhalt-Bernburg, Lippe, Schwarzburg-Rudolstadt, Schwarzburg-Sondershausen, Reuss elder line, Reuss younger line, the cities of Frankfurt, Meisenheim and Homburg; also acting for Mecklenburg-Schwerin, Mecklenburg-Strelitz and the Hanseatic cities Lübeck, Bremen and Hamburg.

[5] Cf. "Conflict," chap. xii, § 13.

should be satisfied with what had been granted formally to Belgium, and tacitly to Austria, Italy, Spain, Denmark, Holland and other powers. He was not satisfied, and, on June 23rd, two members of his staff arrived in Peking to prepare lodgings for the envoy, who had resolved to transfer the negotiations to the capital. This step had a good result and negotiations were opened at Tientsin. These were protracted, but all was settled by the middle of August; and, on September 2nd, the treaty was signed by Graf Eulenburg and by Chunglun and Chunghow.[6]

§ 3. To the granting of commercial and extraterritorial rights on an equal footing with other nations, no objections were made, and the treaty included all the stipulations under these heads which had been included in the treaties of 1858. But on one point the Chinese were as determined as they had been in 1858 and 1859; they would not grant the right to the Prussian diplomatic representative to reside in Peking, and, trusting to the chapter of accidents,[7] proposed that the right should be deferred for ten years. The period of delay was ultimately reduced to five years, but, subject to this modification, the Chinese had their way on the point. The treaty, indeed, recognised the sovereign status of Prussia and granted the right of her envoy to reside in Peking "at once or eventually, at the option of the Prussian government"[8]; but, by a separate article of the same date, the exercise of the right was deferred for five years, "by reason of the actual troubled state of China." [9] A further separate article granted to the Hanseatic cities the right to nominate their own consuls.[10] The "troubled

[6] Treaties, p. 851.

"The Prussian negotiations are at last satisfactorily terminated, and the only thing now wanted is the Emperor's decree, which he will of course issue. Their interpreter, Marques, had a fit of apoplexy, and the Count thereon got [the Baron de] Meritens to aid him; his treaty is thus entirely owing (I believe) to the idea that whatever Meritens asked for would be insisted on by the French. Meritens, by the way, as I suppose you have already heard, goes to Foochow as Commissioner of Customs in November."—R. Hart to C. Hannen, Tientsin, Aug. 9th, 1861.

[7] "It looks very like merely gaining time, in hopes that, before that period expires, all foreign residence in the capital will be at an end."—Rennie, "Peking and the Pekingese," i, p. 274.

[8] Germ. tr. Tientsin, 1861, art. ii.

[9] Treaties, p. 872.

[10] Ibid., p. 873.

state of China" referred ostensibly to the rebellion; but in the palace there prevailed an equally troubled state, with which it is necessary to deal.

§ 4. After the signature of the treaty of 1842 a war party continued to oppose its execution and to influence the imperial policy adversely [11]; the execution of the treaties of 1858 was opposed in the same way by a party bent on continued resistance [12]; and the same party opposed the conventions of 1860, both before and after their signature. The final step which opened the way to the cessation of hostilities in 1860 was the appointment, on September 21st, of Prince Kung as High Commissioner, the fifth within two months; and on him was imposed the disagreeable but necessary task of accepting the conditions exacted by the allies.[13] In doing this, he saved the dynasty, but he alienated the court. Having appointed him plenipotentiary with the most absolute full powers, the emperor on the next day started on an "autumn tour of inspection"—in other words, he and the court fled to Jehol. On the 25th, while on the way, an edict breathing the spirit of war was issued in the name of the emperor; but on that day he was sick, and his concubine, Yehonala, received the Grand Council in audience on his behalf; and later, while still on the way, a rescript was addressed to Sengkolintsin, commanding him to continue his resistance. The court reached Jehol on October 2nd, and on the 4th a fresh edict ordered Prince Kung to continue the struggle and to put to death all prisoners who might fall into his hands; fortunately for China this order reached Peking after the release of Mr. Parkes and his fellow prisoners, though it came only one hour later.[14] Prince Kung persisted in his efforts to secure the withdrawal of the allied troops; and, though this surrender was vehemently opposed by Yehonala, the conventions, signed on October 24th and 25th, were ratified by imperial edict issued on the 28th.[15]

§ 5. The emperor, a degenerate and weakling, became

[11] Cf. "Conflict," chap. xiv, §§ 1, 11.

[12] Ibid., chap. xxv, § 12.

[13] Ibid., chap. xxvi, §§ 16, 18, 23.

[14] Ibid., chap. xxvi, § 14.

[15] Bland and Backhouse, "China under the Empress Dowager," pp. 24-29.

so seriously ill that the return of the court to Peking, which was originally fixed for the spring of 1861, had to be postponed. This left Prince Kung sole representative of the government in its relations with the Western nations; but, while this duty entailed a continuance of his powers as High Commissioner and presented him in the guise of a prime minister—an office unknown to the imperial constitution—it also tied him to Peking and prevented him from exercising his personal influence [16] in guiding the emperor in his administration of the empire. His influence being thus removed, the way was opened for others, animated by less patriotic and statesmanlike views, to seize the reins of power. A conspiracy was then formed, the heads being the Prince of Yi, [17] the Prince of Cheng, [18] and the imperial clansman Sushun; the first represented the imperial blood, the second the Manchu nobility, the third was distinguished for his enormous ill-gotten wealth. These three dominated the court and dictated the orders sent in the name of the emperor to his ministers in Peking and his governors and generals in the provinces; but as a necessary preliminary to attain-

[16] Yi-sin, Prince of Kung, was the sixth son of the emperor Tao-kwang, the emperor Hienfeng being the fourth son.

"I saw the prince [Kung] frequently—in fact, whenever I wished to do so, and was in constant attendance at the Foreign Office. The prince is not very clever; neither is he as yet well up in foreign politics or political economy: but he is well intentioned, and is anxious to do what is right, if he could only know what is right and be allowed to do it. He has a great deal to contend with, being opposed in many measures by the anti-foreign ministers, amongst whom are the emperor's chief favorites who have his Majesty's ear and are with him at Jehol. The working man of the F.O. is Wensiang; he is an exceedingly shrewd, intelligent, and, as far as Chinese nature permits it, honest man. The other members are Kweiliang, who does nothing, but who, having been the chief party in the Tientsin negotiations, is looked upon as necessarily forming part of any body that is appointed to deal with foreigners; Tsunglun, an old politician, who humbugged Sir John Bowring and Mr. McLane in 1854, and who is supposed to be a wonderful adept in soothing and cajoling the barbarian nature; and Hangki, late Hoppo at Canton, who is now very prejudiced and anti-foreign. Wensiang's good sense and the prince's influence will, however, keep the other two from succeeding in any detrimental policy."—R. Hart to C. Hannen, Tientsin, Aug. 9th, 1861.

[17] Tsaiyuen, Prince of Yi, was fifth in descent from the thirteenth son of Kanghi, a favorite son, on whom the rank of perpetually hereditary prince had been conferred. Tsaiyuen was appointed High Commissioner (plenipotentiary) in Sept. 1860; cf. "Conflict," chap. xxvi, § 9.

[18] Twanhwa, Prince of Cheng, one of the eight "helmeted" princes, descended from a brother of Nurhachu, the founder of the Tsing dynasty.

ing this position and realising their further aims, they had first to neutralise the influence of the emperor's concubine, Yehonala.

§ 6. She was born in November, 1835, daughter of Hweicheng, of the Yehonala clan, a noble Manchu family, of which a daughter had married the emperor Nurhachu two hundred and fifty years before. In 1852 she was included in a batch of twenty-eight noble Manchu maidens, selected as concubines for the emperor Hienfeng, and was made a *kwei-jen*, or concubine of the third class. In August 1855 she was raised to the rank of *pin*, or concubine of the second class; and on April 27th, 1856, the "Yi" concubine, as she was called, gave birth to a son, the only son that had been, or was to be, born to the emperor. She was thereupon raised to the rank of *kwei-fei*, or concubine of the first class, the members of which are next in rank to the empress consort. She had already gained the favour of her lord and emperor through the alertness of her mind, which had been trained by a thorough education in the literature and art of her people; and now, having given a son to the hitherto childless emperor, her influence was increased, and, the sovereign's health having broken down, she dominated all his decisions. To her influence was ascribed the truculent anti-foreign attitude of Yeh Ming-chin at Canton, the degradation and execution of the imperial clansman Kiyung, and the whole of the patriotic and anti-foreign course adopted by the court in the years 1856 to 1860; she had opposed the conventions of 1860; she had resisted the emperor's decision to fly to Jehol; and, accompanying the court, she had inspired bellicose and anti-foreign decrees at a time when submission was the only possible course. Hers had been the principal influence in the councils of the emperor, and, as mother of the heir apparent, she could not decently be omitted from the regency when the emperor should die.[19]

§ 7. The first task imposed on the three conspirators was to eliminate this influence. Prince Kung, the only one of the emperor's immediate family who had shown any statesmanlike qualities, had been left in Peking; so too had the statesmen, Manchu or Chinese, who adminis-

[19] Bland and Backhouse, op. cit., chap. i, passim.

tered the chief departments of state; and Yehonala, who, with all her pre-eminent qualities of mind, was still hampered by the drawback of her sex, was left without support to fight for her position, and even her life. The mind of the enfeebled emperor was first poisoned by reports of an intrigue which she was reported to have with Junglu, a young officer of the imperial guards, and her son was removed from her and entrusted to the custody of the wife of the Prince of Yi, while she herself was excluded thenceforth from the emperor's presence. At the same time, attempts were made to undermine Prince Kung's position by charges that he was conspiring with the Western powers against the security of the throne; and edicts were prepared, to be published on the death of the emperor, ordering the massacre of the foreigners in Peking and the death or imprisonment of the emperor's brothers. The emperor's health became worse, and he was visibly sinking; and, on August 12th, Yehonala sent a secret message to Prince Kung, informing him of the emperor's condition, the conspiracy which had been formed, and the dangerous position in which both she and the prince were placed, and urging him to send at once to Jehol Manchu troops attached to the Yehonala clan.[20]

§ 8. The emperor Hienfeng died on August 22nd. On the previous day a council of state was held in the emperor's bedroom, from which the empress consort and all the concubines were excluded, and the emperor signed a decree appointing the following to be a board of regency during the minority of his son and successor :

TSAIYUEN, Prince of Yi.

TWANHWA, Prince of Cheng.

KINGSHOW, Minister of the Presence and Grand Secretary; married to a daughter of Tao-kwang.

SUSHUN, Junior Grand Secretary.

MUYIN, President of Ministry of War.

KWANGYUEN, Vice-President, Ministry of Civil Office.

TUHAN, Vice-President, Ministry of Ceremonies.

KIAO YU-YING, Director of the Imperial Stud.

The Board consisted of seven Manchus and one Chinese [Bannerman], all devoted to the interests of the three members who had formed the conspiracy, and contained no members of the emperor's immediate family.[21] On the 22nd the young emperor announced his succession in an edict which omitted the customary laudatory reference to the empress consort; but this breach of etiquette was at once rectified by a further edict by which the rank of Empress Dowager was conferred on both the empress consort and the empress mother. The conspirators dared not to be too precipitate; they were daunted by the great popularity of Yehonala with the Manchu troops then present in Jehol, and they feared to bring matters to an issue until they should have consolidated their power in the capital.

§ 9. Precedent is all-powerful in China, and by precedent, utilised by the keen intellect of a strong woman, the conspirators were undone. The edict appointing them co-regents was not in due form; to be valid it must be sealed with the dynastic seal inscribed "lawfully transmitted authority," requisite for any document affecting the succession to the throne; this was always in the emperor's personal custody, but, when wanted on this occasion, it could not be found; Yehonala had taken possession of it. This incident also prevented the proper validation of the succession of the new emperor, to whom it was as essential as is the ceremony of coronation and anointing to a ruler of Europe. Then, too, the insult to the two empresses called for prompt rectification; and this confession of weakness deprived the co-regents of that semblance of strength which might bring waverers to their side. But, beside all these difficulties, unvaried custom kept them tied to Jehol when a prompt seizure of the reins of power at Peking was essential to the success of their plans. Custom demanded that the entire court should remain in personal attendance on the deceased emperor until the coffin containing his body should start on its journey to the capital; so co-regents and empresses alike had perforce to remain passive at Jehol until, on October 5th, the auspicious day arrived on which the funeral cortège could set out. Once this day had arrived

[21] Gazette of Aug. 23rd in North-China Herald, Sept. 21st, 1861.

the advantage was all on the side of the empresses. The co-regents and ministers must still remain in attendance on the coffin, accompanying it from stage to stage; it was, however, the duty of the empresses to offer prayers on the departure of the procession, and then to hasten ahead in order to meet the coffin on its entrance into Peking.

§ 10. Yehonala saw here her opportunity and the co-regents their danger, and the latter resolved to have the two empresses assassinated on the way. But Captain Junglu heard of the plot and, leaving the cortège in the depth of night with a body of troops known to be loyal to the two empresses, went ahead to warn them of their danger and escort them through the passes to Peking. Thus protected the two empresses reached Peking in safety on November 1st. There Yehonala at last could consult Prince Kung and others who were opposed to the plans of the co-regents, and organise the means of resistance. In the capital the acts of the conspirators had aroused deep resentment. Already, on September 10th, this had found expression in a memorial by the censor Tung Yuen-chun urging that the regency be placed in the hands of the empresses dowager. Such a memorial at this early date had its chief significance in the fact that the comparative unimportance of the memorialist indicated powerful hidden influences behind him. It was countered by a rescript condemning it in the strongest terms and declaring the proposal to be "most inexpedient." [22] None the less the feeling of hostility had been steadily growing, not only among the ministers and officials, but also among the Manchu populace, to whom Sushun was a special object of detestation.

§ 11. The funeral cortège arrived at the gates of Peking on November 4th. In the three days thus granted her, Yehonala had consulted her adherents and formed her plans; but it was impossible for her to outrage public feeling by taking any action against the co-regents while they were in personal attendance on the coffin containing the remains of their late sovereign, and she was forced to wait. On the arrival of the coffin at the gate of the city the co-regents formally reported the accomplishment of

[22] Gazette of Sept. 15th in North-China Herald, Nov. 16th, 1861.

their mission to the assembled members of the imperial family, among whom were the two empresses dowager, Prince Kung and the other brothers of the deceased emperor, and the Grand Secretaries Kweiliang and Chow Tsu-peï. They were thanked for their care by Yehonala, who assumed the leadership, and informed that they were now discharged from their functions of regents. The Prince of Yi attempted to protest, but he, with the Prince of Cheng and Sushun, were at once ordered into arrest, and the funeral ceremonies proceeded with no further hitch, under the conduct of the new rulers of the state.[23]

§ 12. That day was issued an imperial decree in the name of the young emperor, dated November 2nd and duly authenticated by the seal of "lawfully transmitted authority," now brought for the first time into use. It charged the Prince of Yi and his colleagues with the responsibility for the Anglo-French war of 1860 and the occupation of Peking; with the treacherous seizure and detention of Mr. Parkes, M. d'Escayrac de Lauture, and their companions; and that, when the wisdom of Prince Kung and his colleagues had provided a safe settlement of the foreign difficulties, they had resisted the emperor's desire to accept the settlement and return to his capital, and so had brought on his untimely decease. They had still persisted in their wickedness, and on September 15th resisted the young emperor's urgent plea that the memorial of Tung Yuen-chun should receive a favorable hearing and that the empresses dowager should be entrusted with the regency. It was admittedly contrary to precedent, during the present dynasty, that the regency should be in the hands of a woman, but precedent must always give way to the exigencies of the state. Now the decree declared that the emperor was resolved to accede to the memorialist's prayer and place himself under the care of the two empresses; and it was accordingly ordered that the Prince of Yi, the Prince of Cheng and Sushun be relieved from their functions, and that the other five members of the board of regency be removed from the Grand Council; and further that Prince Kung, in con-

[23] In writing this account of the conspiracy the author has been much indebted to Messrs. Bland and Backhouse's "China under the Empress Dowager."

cert with the Grand Secretaries, the Six Ministries, the Nine High Courts, the Hanlin Yuen, the Censors and the Supervisors of the Education of the Heir Apparent, should consider the proper punishment of these high criminals and the procedure for administering the government by the empresses dowager.[24]

§ 13. Five other decrees of the same date were issued at the same time. The first ordered Prince Kung, the Grand Secretaries Kweiliang [25] and Chow Tsu-pei, [26] and Wensiang, [27] who had been appointed a provisional Privy Council, to inform the Prince of Yi, the Prince of Cheng and Sushun that they were degraded from their hereditary rank and were to be brought to trial. The second ordered the arrest of Sushun. The third summoned Prince Chun [28] to Peking. The fourth ordered that the Grand Council, the Grand Secretaries, the Six Ministries, the Nine Courts, the Hanlin Yuen, the Censors and the Supervisors of the Education of the Heir Apparent, should take into consideration memorials presented by influential personages that day, praying that the empresses dowager should assume the regency. The fifth appointed Prince Kung to preside over the Imperial Clan Court, in succession to the Prince of Yi, and Kweiliang to be Chancellor of the Board of Astronomy, in succession to the Prince of Cheng. A decree of November 4th appointed Prince Chun Minister of the Presence and commandant-in-chief of the Yellow Banner corps; and Prince Kung Minister of the Household and treasurer of the Clan Court.[29]

§ 14. Punishment of the conspirators was not long delayed. Arrested on November 4th, they were tried before the Imperial Clan Court, presided over by Prince Kung, were convicted, and report was made to the throne recommending that the three chiefs be executed as parricides by the lingering process, and that the other five be degraded and banished to the frontiers. A decree of the

[24] North-China Herald, Nov. 23rd, 1861.

[25] Manchu. [26] Chinese.

[27] Member of the Grand Council and Vice-President of the Ministry of Revenue; a dominant spirit in the government until his death in 1876.

[28] Yihwan, Prince of Chun, seventh son of Taokwang, father of the emperor Kwanghsü (1875-1908).

[29] North-China Herald, Nov. 23rd, 1861.

8th announced that the imperial clemency had been exerted in their favour and that their sentences were commuted: the two princes were ordered, as princes of the blood imperial, to put an end to themselves, and this was done by strangulation by a silken bow-string; Sushun was ordered to immediate decapitation, involving degradation in the next world as well as in this; the other five were all deprived of their offices, but Muyin alone was banished, and Kingshow was permitted to retain his title of duke. A previous decree of the 7th had confiscated all the property of Sushun at Peking and at Jehol. It has been declared that during the present dynasty there was only one official, Hoshen, Grand Secretary toward the end of the eighteenth century, whose estate on confiscation amounted to a value greater than that of Sushun [30]; if Sushun's estate could have been compared with that of Hoshen, executed in 1799, and if it exceeded that of Kishen, confiscated in 1841, it must have been enormous, certainly many million pounds sterling in value [31]; and, after proper recognition of the services of Prince Kung, who was both president and treasurer of the Imperial Clan Court, before which the trial was conducted, the bulk of this estate formed the foundation of the private fund which was collected by Yehonala during the ensuing forty-five years.

§ 15. Yehonala had secured the rule, but her position was doubtful. It resembled in some respects that of William III of England in 1689, when his acceptance of the throne on a parliamentary title compelled him to rely on the support of parliament. It was an organic law of the Manchu dynasty that the rule of women should not be permitted, and this was recognised in the decree of November 2nd. [32] In the past history of China

[30] Bland and Backhouse, *op. cit.*, p. 45.

[31] Hoshen's estate was inventoried under 109 schedules. Of those 26 showed a total value of 223 million taels (£75,000,000), and the entire estate may therefore be estimated at close on 900 million taels (£300,000,000). —Bland and Backhouse, "Annals and Memoirs of the Court of Peking," p. 364.

Kishen's estate comprised 425,000 acres of land, over 18,000,000 taels in gold and silver, boxes of jewels, shares in ninety banks and pawn-brokers' shops, etc. Its value was well over £10,000,000. —Sir J. F. Davis, "China during the War," i, p. 41; R. M. Martin, "China: Political, Commercial and Social," i, p. 133, ii, p. 69.

[32] Cf. *antea*, § 12.

there was one notable instance of the recognised rule of a woman—during the Tang dynasty when the empress Wu-how, at first jointly with her husband Kao-tsung (A.D. 650–684) and then as empress-dowager-regent on behalf of her son Chung-tsung, had ruled the empire with autocratic power until, in 705, she was forced by advancing age to abdicate; her great ability is recognised in the Chinese histories, but her memory has been execrated because of the impropriety of her conduct in presuming to usurp a man's place. Under the Tsing dynasty of the Manchus there had before been two minorities, those of Shunchih and Kanghi, and in neither case had any woman of the imperial family, not even the empress-consort-dowager, been permitted to interfere in the administration; in both the government had been administered by boards of regency, such as was constituted by the decree issued at Jehol on August 21st. In this board, however, was included no brother or uncle of the deceased emperor, the only member of the imperial family being the Prince of Yi who was sixth, as the emperor Hienfeng was fifth, in descent from Kanghi; no descendant of any of the four emperors following Kanghi was included. This exclusion threw the imperial family into opposition and on the side of the empresses, who had also been excluded. With Yehonala at Jehol—a master mind and popular with the Manchu troops—and Prince Kung at Peking—the only member of the family who had shown any statesmanlike qualities, and popular with the people because he had restored and maintained friendly relations with the foreign powers and had saved the city from assault and sack—a strong combination was formed; but in joining it, Yehonala was forced to abandon her pronounced anti-foreign views,[33] which were held also by the usurping regents, and to adopt the more statesmanlike policy of Prince Kung, who saw in peace and co-operation with foreign nations the only possibility of crushing the rebellion and restoring the rule of the dynasty; and as a significant indication of the change of policy the reign-title of the young emperor was altered. On the death of Hienfeng the board of regents had selected as the title of the new reign Kisiang, which may be rendered “Favour-

[33] Cf. *antea*, § 6.

ing Fortune," or "Well-omened Happiness,"[34] or "Good Omen,"[35] or "Good Fortune,"[36] This, in an imperial decree of November 7th, was condemned as tautological, and in its stead a new reign-title was adopted—Tungchih, signifying "All-pervading Tranquillity,"[37] or "United Rule,"[38] or "Union in the Cause of Law and Order"[39]; the under-lying idea being perhaps best expressed by the phrase "Peace with Honour."

§ 16. The two empresses dowager had thus been placed in power, and on them by imperial decree were bestowed honorific titles, by which they were henceforth to be known. The empress consort, Sakota, received the title Tze-an ("Motherly and Restful") and the empress mother, Yehonala, that of Tze-hi ("Motherly and Auspicious") [40]; the former was known as the "Empress of the Eastern Palace," the latter as the "Empress of the Western Palace." Their first act was to appoint Prince Kung to the specially created post of "Prince Adviser"; this he accepted, but a further honour which was decreed, that his rank of imperial prince should be perpetually hereditary, he for the time respectfully declined. In fact, the two powers were carefully watching each other, Tzehi and Prince Kung, for the empress consort, Tzean, was content never to assert her authority. Tzehi had a strong will and clear intellect and was to develop great administrative ability; but she was a woman, and as yet with no great experience, and required the support which could be given only by her brother-in-law. Prince Kung was conscious that he could rule the empire, and

[34] Bland and Backhouse, "China under the Empress Dowager."

[35] Giles, "China and the Manchus," p. 98; S. W. Williams, "Middle Kingdom," ii, p. 691.

[36] North-China Herald, Nov. 23rd, 1861.

[37] Bland and Backhouse, op. cit.

[38] Giles, op. cit.; Williams, op. cit.

[39] North-China Herald, ubi sup.

[40] From time to time each empress received additional titles, each of two words, each word carrying with it a pension of Tls. 100,000 a year. Up to the time of her death, Tze-an (or Sokota) had received five titles of ten words; and Tze-hi, besides declining two titles, received in all eight titles of sixteen words, viz., Tze-hi Twan-yu Kang-yi Chao-yu Chwang-cheng Show-kung Kin-sien Chung-si, translatable as follows: motherly and auspicious, orthodox and heaven-blessed, prosperous and all-nourishing, brightly-manifest and calm, sedate and perfect, long-lived and respectful, reverend and worshipful, illustrious and exalted.—Bland and Backhouse, op. cit., p. 55.

felt all the superiority of the male ; but he was not regent, and the ultimate decision did not rest with him. So the two worked together, at first on a footing of quasi-equality, then, when the prince had learned his place in the state, as mistress and minister.

§ 17. The new regime was not universally accepted by the empire, but it was recognised by Chinese of position that its dominant note—peace with the Western powers—was essential for the restoration of order,[41] since by it China would be enabled to obtain foreign aid in suppressing the rebellion. The same effect was produced on the foreigners resident in China. Since 1853 the Western powers had maintained a strict neutrality between the imperial government and its rebellious subjects, and this had been especially manifested in that year and in 1860 ; but there was much sentimental sympathy with a revolt which aimed at the overthrow of the corrupt administration of the empire, and the provision of ships, arms, and other supplies was a tempting bribe to induce foreigners to support the rebels. Now, however, men began to ask if it would not be better to give an active support in maintaining the existing regime ; and the apparent conversion of the governing powers in the empire from their hostile and anti-foreign attitude, produced the effect of enlisting the sympathy of foreigners on the side of the emperor and the regency.[42]

[41] Rennie, "Peking and the Pekingese," ii, p. 219.

[42] "Moreover, let it not be forgotten, that at this particular juncture we are more than at any other period of our connexion with China, bound to support the existing government of the empire. A revolution in the state, as sudden, sharp, and decisive as that at Paris, which astounded Europe in 1848, has just happened at Peking, which has done more to reassure foreigners, and impress them with a belief in the sincerity of the Chinese Government towards their interests, than any previous demonstration since our admission to her territory—in fact, a substantial act of theirs, recognising the ratification of the Treaty of Tientsin. Under these circumstances, it may well be asked—is this the time that should be selected to countenance the acts of these insurgents ; thereby placing weapons in their hands, which, at no distant date, would be turned against ourselves. . . . We may point to the serious complications which must necessarily arise, by any foreigner affording the smallest support to a faction, whose whole history has been a succession of acts of bloodshed, rapine, and disorganisation ; and whose progress from the south to the north, and now in the east of this unhappy land, has been invariably attended by desolation, famine, and pestilence."—North-China Herald, Dec. 21st, 1861.

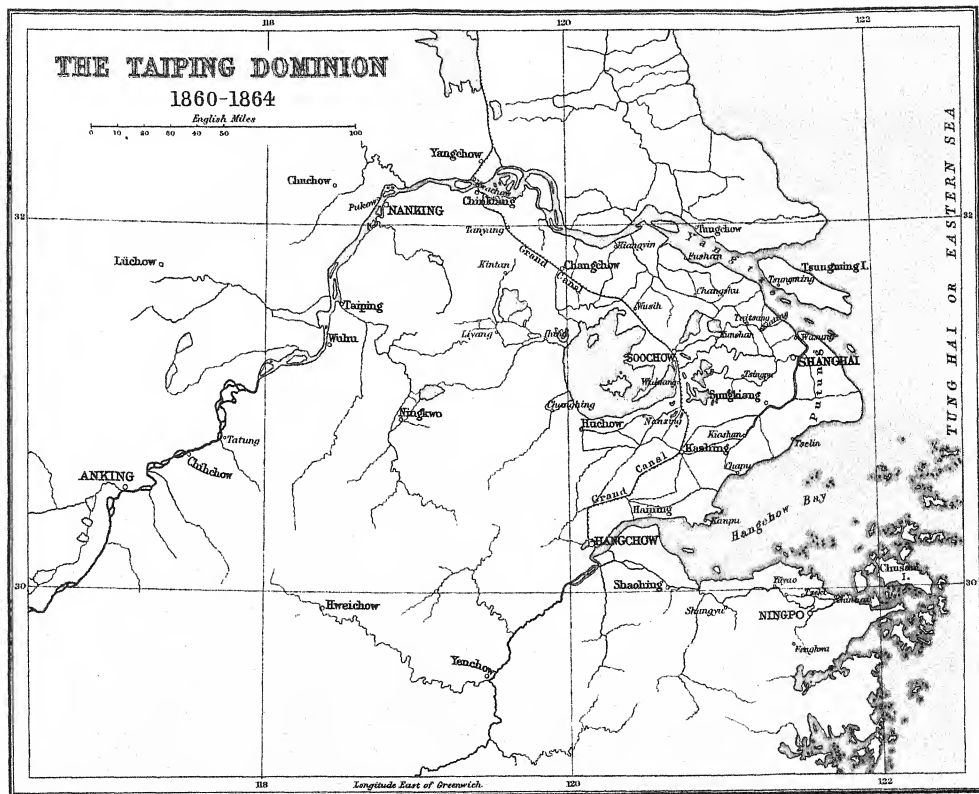
CHAPTER IV

THE TAIPING REBELLION: WARD

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§ 1. It now becomes necessary to follow the course of the Taiping rebellion. This was mainly a domestic question, though with many international complications, up to the time, in August 1860, when the allied English and French forces were defending the imperial city of Shanghai from the assault of the rebel troops, and when, simultaneously, the allied forces were moving to the assault of the imperial forts at Taku.[1] But, from that time, in defence of their own interests, the Western powers were

[1] Cf. "Conflict," chap. xxvi, §§ 4, 5.



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impelled more and more to intervene in the measures taken to suppress the rebellion, and were driven from step to step in supporting the imperial government, which, with all its faults, was yet the power to which they were bound by treaties, and in resisting the rebels, who brought only rapine and devastation in their train.[2] Trade was the principal, almost the only, Western interest; and for this the restoration of peace and order was essential. To secure this, it was seen that an attitude of benevolent neutrality was not sufficient, and in the end measures were adopted designed to allay the state of disorder which prevailed generally throughout the empire.

§ 2. On the withdrawal of the Taiping forces from the walls of Shanghai, they had over-run and were in occupation of the whole of Kiangnan,[3] except the country lying immediately around Shanghai; and in a circle around that centre of the foreign trade, the neutrality of which was protected by England and France,[4] they held in force the cities of Sungkiang, Tsingpu and Kiating, each at a distance of about twenty-five miles to the south-west, west and north-west respectively; while they also raided through the country to the east between Shanghai and the Yangtze. They made frequent raids into the country so enclosed; and in March, 1861, after they had sacked Chenju, eight miles north-west of Shanghai, and been prevented by a French force from burning Szeking, twelve miles west of Shanghai, the opinion was expressed that "the rebels are determined to surround Shanghai with a belt of desolated country and cut off trade." [5] Meantime they advanced again into Chekiang, and, on September 8th, 1860, they captured Chapu. Then they advanced on Hangchow, which they had taken in March and abandoned after a ruthless slaughter of the garrison and population.[6] but this time they were unable to take it; and another assault in March, 1861, was also unsuccessful. Another attempt in December also failed; but on December 9th they succeeded in

[2] Cf. *antea*, chap. iii, § 17, n. 42.

[3] The half of the province of Kiangsu lying south of the Yangtze.

[4] Cf. "Conflict," chap. xxvi, § 4.

[5] *North-China Herald*, March 23rd, 1861.

[6] Cf. "Conflict," chap. xxvi, § 2.

capturing the city and port of Ningpo. Elsewhere during March, 1861, the Peking Gazette recorded battles with rebel forces in Kweichow, Yunnan, Kiangsi, Anhwei, Kiangsu, Honan, Hupeh, Szechwan, Shantung, and Sheng-king.[7] In the summer of that year, while the emperor lay on his death-bed at Jehol, a great victory was gained by Tseng Kwo-fan, who, in July, took Anking from the Taipings after a siege of many months; and, in August, Sengkolintsin and Shengpao obtained several victories in Shantung. Early in the year 1862 "the Taiping rebels, who had for some months left Shanghai in a state of fancied security, again appeared in the neighbourhood of the city, terrifying the officials, paralysing trade, and inflicting woes unnumbered on thousands of helpless villagers." [8]

§ 3. To stem this wave of revolt the central government had manifested its incapacity, and the Manchu warriors, who had conquered the empire, had shown none of their old-time valour since their successive defeats by the English in 1842.[9] Yet the empire was saved, and it was saved, partly by foreigners fighting on its behalf, and partly by two great Chinese, Tseng Kwo-fan and Li Hung-chang, who now came to the front, and who, having been appointed to civil posts, developed a quality of generalship and of organising ability such as had been lacking in their predecessors. Tseng Kwo-fan in 1853, then aged forty-two, was the principal agent in recovering his native province, Hunan. Armed then with full powers and enlisting thousands of Hunanese, in 1854 he recaptured Wuchang and Hanyang; in 1855 he over-ran Hupeh; and in 1856 he ran a victorious course through Kiangsi. On the death of his father in 1857, inexorable custom required him to retire into private life; but in 1858, before his three years of mourning were completed, the exigencies of the state recalled him to office, and he was given the control of operations in Chekiang. Having restored order in this province, he advanced in 1859 into Kiangsi, pushing the defeated rebel forces into Hunan,

[7] North-China Herald, April 13th, 1861.

[8] R. A. Jamieson in "Journal of the North-China Branch of the Royal Asiatic Society," 1864.

[9] Cf. "Conflict," chap. x, § 36.

and thence on to Kwangsi and Kweichow. He was then ordered to operate against Nanking, and in July, 1860, after the fall of Soochow, he was appointed titular viceroy of Nanking and High Commissioner with jurisdiction over Kiangnan and Anhwei, to which in 1861 Chekiang was added. Li Hung-chang was also brought into notice by his exertions in defending his native province Anhwei. In 1853, then aged thirty-one, he enlisted men from his district to defend their homes from the ravages of the Taiping army of the north, and was engaged in this task and in the duties of a minor office in the district for two years. His patriotism and energy, so uncommon at the time, attracted the attention of Tseng Kwo-fan, who summoned him to his side; and from that time he served as secretary and chief-of-staff to the Hunanese leader. In 1859 he was temporarily detached to act as taotai at Foochow, but soon returned to the camp; and in July, 1862, he was appointed titular governor of Kiangsu, his official residence being Soochow, then in the hands of the Taiping forces.

§ 4. These two men brought to the imperial cause qualities which had not been found in their predecessors. The high officials on the long list of those who had been tried and found wanting.[10] had not had the supreme merit of courage; these two civilians possessed the military qualities of boldness in the advance, and steadfastness in defeat. Those others were in general self-seeking and wanting in patriotism; these two showed then and in their whole subsequent career that, while not neglecting the opportunities for enrichment provided by the Chinese system of government, their first consideration was the due performance of their duty and the welfare of their country. Those others were irresolute in the face of difficulties and could only drift helplessly down the tide of disaster, unable to restrain their subordinates or to force them to act with common patriotism and honesty [11]; these two had powers of organisation which

[10] Cf. "Conflict," chap. x, § 20; chap. xvii, § 10.

[11] "The siege of Nanking was certainly kept up in a strange manner. An outlet through which the Chang-maos [long-haired rebels] might have ingress and egress without much difficulty was kept open towards the south. Along this line, a kind of fair was held. The government stores of rice, etc., were here sold to the insurgents at high prices. By this

they devoted to the service of their country, and which enabled them to restore the spirit of their disheartened troops. But the imperial soldiery had lost all military feeling, and to restore their confidence more was needed than the quality of their leaders; and this was found in foreign support. It is clear that the rule of the empire could not have been restored without the aid of those same foreigners who had been fighting the empire for four years, but whose opposition had been averted by the change in the policy of the imperial government,[12] and by the growing feeling that it was for the interest of Western nations that the existing dynasty should be maintained; and this support provided Tseng and Li with the firm foothold which they required to reconquer the country.

§ 5. The gradual change in the feeling of foreigners brought help to the imperial cause in many ways. In the early days of the rebellion a strict neutrality was declared,[13] carried so far as to close the important port of Shanghai, in immediate proximity to the field of operations, to the officials and troops of the empire,[14] and the supply of munitions of war to either side was strictly prohibited; now the restriction was to be applied to the rebels alone, while the imperial officials were free to obtain all the ships and arms that they could pay for. In the early days the neutrality of Shanghai was protected by force against imperialists and rebels alike; in 1860 the same force was displayed against the rebels, whose plans

passage, too, came the deserters anxious to become good men, but many more entered by it into the city anxious to become bad. Here it was that the braves of the Tien Wang gambled with the soldiers of Chang Kwo-liang, and exchanged their spoils of silver for arms, powder, opium, and women. Sometimes the general would push his authority, and several rebels would be taken and immediately executed, but these were generally such as had excited the hatred of their besiegers by cheating at play, or refusing to pay for favours received. The rebels always retaliated, so the loss was the same on both sides. Suddenly [in May 1860] a sortie was made from Nanking. The works were stormed and taken. Consternation seized the Imperialist commanders, who fled before the coming storm. Seventy thousand of the Emperor's soldiers are reported immediately to have joined the rebels. Opposition melted away like a cloud. Like a flood the victorious insurgents rushed down the valley of the Grand Canal, and cities surrendered at the very sight of them."—*North-China Herald*, Jan. 12th, 1861.

[12] Cf. *antea*, chap. iii, § 17.

[13] Cf. "Conflict," chap. xvii, § 15; chap. xviii, §§ 4, 7.

[14] Cf. *antea*, chap. i, §§ 12, 14, 15.

were thereby entirely upset [15]; and in 1862, consequent on the increasing aggressiveness of the rebels, the official protection given to Shanghai was made more active and extended over a wider range.[16] For some years past the imperial authorities had recognised the utility of armed ships of foreign type officered by foreigners, and had several in their service[17]; in 1862 they decided to extend their use and took steps to procure the Lay-Osborn fleet, of the services of which they could, however, not avail themselves.[18] Finally, the restrictions on the engagement of foreigners in the active service of the belligerents, which had been clandestinely evaded by adventurous spirits on either side, were ultimately relaxed in favour of the imperial government, but were retained against service with the rebels.

§ 6. Frederick Townsend Ward was the most distinguished of those so engaged on the imperialist side. Born in 1831 at Salem of an old Massachusetts family, he had tried for a nomination to West Point; but, failing to obtain it, he took to the sea, as so many Salem boys did, at the age of fifteen. An adventurous life led him to many parts of the world,[19] and in 1851 he made his first voyage to China as chief mate of a barque from San Francisco to Shanghai. In 1857 he was mate of a coasting steamer plying on the coast of China.[20] His last arrival in Shanghai was in the autumn of 1859; there he obtained employment as mate of a steamer on the Yangtze, and shortly after as officer on the Chinese armed

[15] Cf. "Conflict," chap. xxvi, §§ 3, 4.

[16] Cf. *antea*, § 2; *postea*, § 9.

[17] Cf. "Conflict," chap. xv, § 5; chap. xvi, § 3.

[18] Cf. *antea*, chap. ii, *passim*.

[19] He spent a couple of years of adventure in Tehuantepec and Mexico. He is also said to have been with the force of Walker, the "Grey-eyed Man of Destiny," in Nicaragua, but "Ward's family uniformly asserted that the dates of his home letters showed such an association to have been impossible." He served with Garibaldi in South America; and there is strong evidence to show that he served as a lieutenant in the French army in the Crimea, but the fact cannot be proved from the official records.—R. S. Rantoul, "Frederick Townsend Ward."

[20] The steamer ran ashore near Foochow and was threatened by pirates. "Our captain quite lost his head. . . . The first officer fortunately was cool and collected. . . ." This mate the writer afterwards recognised as General Ward.—W. S. Wetmore, "Recollections of Life in the Far East," p. 33.

steamer *Confucius*.^[21] While serving in this capacity he obtained an introduction to Taki,^[22] a banker of Shanghai who acted as chairman of a committee of patriotic Chinese merchants of that city, and proposed for a lump sum to recapture Sungkiang (Soonkiang) from the rebels, the payment of the money, Tls. 30,000, to be conditional on success. The offer was accepted, and Ward enlisted a hundred men, chiefly sailors attracted by the prospect of plunder^[23]; with these he proceeded to attack the Taipings within the walls of Sungkiang, but was repulsed, and, leading his motley force back to Shanghai, there disbanded it. Nothing daunted, he then enlisted the same number of Manila-men, with two foreign lieutenants, Forrester and Burgevine, and, returning to Sungkiang, boldly assaulted it a second time, on July 17th, 1860, and drove out the Taiping garrison. He then proposed the recapture of Tsingpu (Chingpoo). His force had increased to over two hundred men^[24]; and, with this and accompanied by 10,000 Chinese troops, he assaulted that place on August 2nd. Here, however, he encountered foreign mercenaries enlisted on the rebel side, under an Englishman named Savage, and the assault was repelled with heavy loss, Ward himself being severely wounded. A second attempt by Ward's force, led by Burgevine, was also repulsed; and the approach of the Taiping leader, the Chung Wang, or "Loyal Prince," in great strength on his way to attack Shanghai, compelled their retirement to Sungkiang. This place henceforth served Ward as headquarters, and here he organised his troops, but for over a year to come he had no further victories to place to his credit.

[21] Rantoul, "F. T. Ward," *passim*.

[22] Yang Tze-tang, head of the Taki banking firm.—Brief for the claimant in the claim of Gen. F. T. Ward's estate against the Chinese government, placed at the author's disposal by Hon. John W. Foster.

[23] "Recruits were readily enrolled, for Shanghai at this troubled period swarmed with the rabble of deserters and discharged seamen from foreign naval and commercial fleets, ready for every venture, which infests a large port in time of threatened war."—Rantoul, *op. cit.*, p. 30.

[24] Five European "drill-masters," twenty-five European sailors, and about 200 Manila-men, the last including his faithful aide-de-camp Vincente Macanaya.—Rantoul, *op. cit.*

Manila-men are now more generally known as "Filipinos," natives of the Philippines.

§ 7. Notwithstanding Ward's temporary eclipse, the recapture of Sungkiang inspired the Chinese merchants of Shanghai with great confidence in the only man who had been able to stem the apparently resistless progress of the Taipings, and from their representative, Taki, he obtained a regular grant of funds sufficient to pay his men and arm them [25]; in this way he was enabled to drill his men and provide himself with cannon—discipline and artillery being the two dominant factors in defeating the rebels. It was, however, only the Chinese who so regarded him. To the foreigners generally he was a filibuster [26] and a pirate, and his punishment was demanded.[27] His action was objectionable to the American authorities, who had proclaimed a strict neutrality, and to the British naval authorities, who saw their sailors enticed away by the love of adventure and the prospects of ill-gotten wealth. Deserters from British ships when arrested were sent to prison, and finally, in May 1861, Admiral Hope arrested Ward on the ground of enticing enlisted sailors to desert, and charged him before the American consul; but he proved that he had acquired Chinese nationality and was acquitted. He was then held a prisoner on the flag-ship *Chesapeake*, but from this he escaped by swimming.[28] Ward was then

[25] Ward's own pay was Tls. 350 a month, that of privates (Manila-men) was Tls. 30.—North-China Herald, Aug. 4th, 1860. Ward himself received in addition a predetermined bonus (Tls. 30,000 in the case of Sungkiang) for each city he captured; and for those under him the prospect of "loot" far outweighed their actual pay. Cf. postea, notes 41, 42.

[26] Like Walker in Nicaragua; cf. ante, n. 19.

[27] "The first and best item . . . is the utter defeat of Ward and his men before Tsingpu. This notorious man has been brought down to Shanghai, not, as was hoped, dead, but severely wounded in the mouth, one side and one leg. . . . He managed to drag his carcass out of danger, but several of his valorous blacks were killed or wounded. . . . It seems astonishing that Ward should be allowed to remain unpunished, and yet not a hint is given that any measures will be taken against him."—North-China Herald, Aug. 4th, 1860.

"The force is now disbanded. Some have probably suffered capital punishment at the hands of the Chinese, some have fallen in action, some are expiating their offences against our laws in common jails, and some few have escaped it is hoped with sufficient examples before them never to again engage in such an illegitimate mode of earning a livelihood as enrolling themselves in such disreputable ranks as those of a Chinese Foreign Legion."—North-China Herald, June 8th, 1861.

[28] E. Forrester, "Personal Recollections of the Taiping Rebellion," cited in Rantoul, op. cit.

The evidence of nationality must have been "cooked," since natura-

driven to abandon his method and to disband his "Foreign Legion," and for it, by arrangement with Taki, who continued to act as paymaster for the force, he substituted in September a gradually increasing body of Chinese troops, drilled and officered by foreigners, retaining, however, his faithful personal bodyguard of Manila-men. In organising this force he displayed the qualities of a born leader. He, and Gordon later, was compelled to allow them to sack captured cities; but their pay was never long in arrears, and he maintained a degree of discipline unknown to Chinese of a similar class under Chinese leadership. He dominated them by the force of his will,[29] his custom being to lead them into action armed only with a light switch or riding crop,[30] a practice in which he was followed by Gordon. Toward the end of 1861 his camp at Sungkiang was visited by Admiral Hope, who a few months before had held him prisoner; and he expressed himself as highly pleased with what he saw, and assured Ward of all necessary support in his new project.[31]

§ 8. Early in 1861 Admiral Hope had informed the Tien Wang at Nanking that it would be well to leave Shanghai alone, and the Taiping ministers undertook to leave that city undisturbed for a year, an undertaking which was carried out. During the whole of that year, however, other rebels, known collectively as Nienfei, were active in Anhwei, Honan and Shantung. The imperial commanders, Sengkolintsin and Shengpao, continually reported victories gained by their troops, but the rebels seemed not to have been aware of their own defeats, and

lisation of both Ward and Burgevine was sanctioned by imperial decree of March 17th, 1862, both receiving at the same time the button of the fourth class, and Ward the distinction of the peacock's feather. Only nine days later a further decree gave both the button of the third class.—North-China Herald, April 19th, 1862.

[29] "He was self-contained yet genial, having unlimited ascendancy over all whom he commanded."—D. J. Macgowan in the "Far East," 1877, cited in Rantoul, *op. cit.*

[30] "Equipped, when in command, with a light switch or riding crop, without which he was never seen in battle."—Rantoul, *op. cit.*

"I never saw Ward with a sword or any arm; he . . . carried a stick in his hand."—Statement of Adm. Arch. Geo. Bogle, R.N. (in 1862 a lieutenant), given by Rantoul.

"The nerve of their chief, never at fault, was to be the bond that held together this incongruous host."—Rantoul, *op. cit.*, p. 30.

[31] Rantoul, *op. cit.*

they over-ran the country at will. They had, however, no organisation and occupied no fortified city, but were merely bands of marauders, committing horrible cruelties and devastating the whole country in their marches. On October 9th, 1861, a force of between 3000 and 4000 appeared before Chefoo. This port was held by the French naval authorities under the conventions of Peking, and charge of its defence was assumed by Admiral Protet, who had at his disposal the men and guns of two French frigates and one British gunboat. The Nienfei retired hastily without much loss on either side, and abandoned all further attempts on eastern Shantung.[32]

§ 9. On January 11th, 1862, the Taiping forces, said to number 30,000 with 200 foreigners enlisted in their service, appeared in the direction of Wusung, burning villages on their way; and on the 13th they reached a point a mile and a half north from the British consulate at Shanghai. On this and the following days many thousands of Chinese refugees came in from the north. The volunteers, with one battalion of Indian troops and one battery of English artillery, presented a bold front, and the Taiping troops withdrew. At the same time another force threatened Sungkiang, held by Ward, and a third army was reported to be on the way from Hangchow. The force attacking Sungkiang was defeated at Kwangfuling "by the bravery and discipline of the imperial troops under the command of Colonel Ward, who has trained a regiment of fine able-bodied men in the European system of military tactics"[33]; and it then crossed the river to the Putung side. On February 15th it came opposite to Shanghai and opened a cannonade on the Chinese city, but soon retired. On February 24th a combined force of 380 English sailors and marines with 5 guns, and 300 French sailors with 2 guns, led by Admiral Hope, and 700 Chinese of Ward's force, led by Ward, attacked the Taiping force at Kaokiao (Kajow), on the Putung side between Shanghai and Wusung, and defeated them. On March 1st the same force attacked another

[32] Consul Morrison to Mr. Bruce, Chefoo, Oct. 24th, 1861, Further Papers rel. Rebellion in China, 1862, p. 1.

[33] North-China Herald, Feb. 7th, 1862; also W. C. Howard, "A Short Sketch of the Taiping Rebellion," p. 9.

body of about 6000 Taipings at Nankiao (Najow), near Siaotang, opposite to Minhang, and decisively defeated them. "As for the Chinese organised force under Colonel Ward, they seemed to know no fear, and in fact exposed themselves too much." [34] For these victories Ward was promoted to the rank of Chentai (Brigadier-General) in the Chinese army, and the title of "The Ever-victorious Army" was bestowed on his force by imperial decree. Later in March a large body of imperial troops under General Li A-tang at Szeking was surrounded by a Taiping force, and was only saved by the timely arrival of Ward and his men, who not only rescued the force from annihilation, but enabled General Li to report to the throne that he had gained a victory. [35]

§ 10. The reversal of the policy of the court and the renewed threat to foreign interests brought a complete change in the attitude of the Western powers, and threw them into active hostility to the Taiping forces. In March Admiral Hope sanctioned the transport in British steamers of 9000 troops from the army of Tseng Kwo-fan at Anking, to be conveyed past Nanking to Shanghai. [36] At the same time, after consultation with his French colleague, Admiral Protet, he proposed to keep by force the country within a radius of thirty miles around Shanghai "free from these marauders." This proposal was approved by the British and French representatives; and, after a conference between Prince Kung, Mr. Bruce and General Staveley, commanding the British troops in garrison at Tientsin, it was further decided that the troops there might be sent to Shanghai. [37] Nor was this all. Ward's

[34] North-China Herald, March 3rd, 1862.

[35] Ibid., March 22nd, 1862.

[36] Consul Medhurst to Mr. Bruce, March 21st, 1862, [Still] Further Papers rel. Rebellion in China, 1862, p. 9.

[37] Mr. Bruce to Earl Russell, March 26th, 1862, Further Papers rel. Rebellion in China, 1862, p. 8.

"I therefore consider that the plan proposed, of keeping them beyond a certain radius, is called for by a regard for our own interests. We can no more suffer Shanghai to be taken by famine or destroyed by insurrection, than we can allow it to be taken by assault. . . . I have urged strongly on the Chinese government the necessity of strengthening Col. Ward's force as you propose."—Mr. Bruce to Adm. Sir J. Hope, March 19th, 1862, *ibid.*, p. 10. "I consider this (Col. Ward's) force, if duly supported, the military nucleus of better things."—Gen. Sir J. Michel to Mr. Bruce, Feb. 28th, 1862, *ibid.*, p. 21.

success at Kwangfuling had attracted the favourable notice of Admiral Hope and induced him to invite co-operation in the short campaign of February, and his opinion was still more favourable in March. He wrote in this sense to Mr. Bruce, who then recorded his own opinion that "in the Chinese force organised and led by Mr. Ward I see the nucleus and beginning of a military organisation which may prove most valuable in the distracted state of China. If the government is wise enough to adopt this reform, it may save itself; if not," he urged the creation of such a force at the principal ports.[38] He pressed this view on Prince Kung, but it would have been impossible to impose any such policy on Tseng Kwo-fan and Li Hung-chang, and the project fell to the ground. But Ward's position was now established. This "notorious" man, the "filibuster and pirate," as he had been a year before, was no longer a mercenary adventurer, but became the trusted ally and colleague of the English and French operating in Kiangsu and Chekiang, and at once acquired the confidence of Li Hung-chang, no mean judge of men, who in July became governor of Kiangsu.

§ 11. Within a radius of thirty miles from Shanghai were included Minhang to the south, Sungkiang (Soong-kong)[39] to the south-west, Tsingpu (Singpoo) to the west, Kiating (Kading) to the north-west, and all the country extending from north by east to south between Shanghai and the Yangtze. On the arrival of General Staveley with his troops from Tientsin, a flying column was formed consisting of about 2700 men with 11 guns—480 English soldiers, sailors and marines, 800 Indian troops, 400 French soldiers and sailors, and 1000 men of the "Ever-victorious Army"; the command was exercised jointly by Admiral Hope, Admiral Protet, General Staveley and General Ward, but the general direction of operations was in the hands of Admiral Hope. On April 4th this force drove the rebels from a strongly entrenched position at Wangkiate; but General Ward, conducting the pursuit with 500 men, was repulsed from a second position five miles inland, and Admiral Hope

[38] Mr. Bruce to Earl Russell, March 26th, 1862, *ubi sup.*

[39] The names in parenthesis represent the spelling in books and reports of the period.

was wounded in the leg; this position was taken the next day.[40] On April 17th the force attacked another strong position at Tsipao (Cheapoo) and took it, driving the rebels in full flight.[41] These two operations cleared the river immediately south of Shanghai. A force was then sent up the Soochow Creek, to the north-west, consisting of 3842 men and 30 guns—427 English sailors, 950 English troops, 690 Indian troops, 775 French troops, and 1000 Chinese under General Ward. On April 29th this force drove the rebels from their position at Nansiang (Nazain, Naizean, Naziang), and on May 1st assaulted and took Kiating.[42] The force then proceeded to Sungkiang and took by assault Tsingpu on May 12th, Nankiao (Najow) on the 17th, and Tselin (Cholin) on the 20th.[43] In the assault on Nankiao Admiral Protet was killed. The aid given by the allies and the loss sustained from the death of Admiral Protet were frankly and explicitly recognised in imperial decrees,[44] a significant indication of the change in the Chinese attitude.

§ 12. By the agreement made between Admiral Hope, Admiral Protet and General Staveley [45] it was provided that the cities captured with the aid of the allies should be garrisoned by imperial troops, as it was not the duty of the allies to do that work; but that, on the capture of Tsingpu, the most advanced post towards the enemy, Ward's force should transfer its headquarters to that city; and this was carried out. While the force was engaged in the attack on Tsingpu, the governor of Kiangsu, Sieh, who was now to be replaced by Li Hung-chang, collected a force of between 7000 and 10,000 Chinese troops and advanced from Paoshan to attack the Taiping

[40] A. Wilson, "The Ever-victorious Army," p. 83.

[41] Capt. Borlase to Adm. Sir J. Hope, April 18th, 1862, Further Papers rel. Rebellion in China, 1862, p. 13.

"A glorious day of looting for everybody, from the plunder in the hands of the Taipings."—North-China Herald, April 25th, 1862.

[42] Capt. Borlase to Adm. Sir J. Hope, May 2nd, 1862, *ibid.*, p. 17; Gen. Staveley to Sir G. Lewis, May 3rd, 1862, *ibid.*, p. 28. "A great quantity of loot, the whole amounting to several hundred thousand dollars."—North-China Herald, Jan. 3rd, 1863.

[43] Gen. Staveley to Sir G. Lewis, May 14th and 18th, 1862; Adm. Sir J. Hope to Admiralty, June 3rd, 1862; *ibid.*, pp. 33, 35, 52.—Cordier, "Relations de la Chine," i, p. 206.

[44] North-China Herald, *passim*.

[45] Agreement of April 22nd in Further Papers rel. Rebellion, p. 27.

forces in the direction of Taitsang. They were utterly defeated and but few succeeded in returning to Paoshan. Soon after the imperial garrison was driven out of Kiating, which was reoccupied by the Taipings. The immediate result was that General Ward was authorised to increase his organised force to a maximum of 6000 men, which it was estimated would cost Tls. 900,000 a year [46]; and Ward himself was promoted to the rank of Titu, or Major-General in the Chinese army. Meantime the garrison of Ward's force left in Tsingpu under the command of Forrester was hard pressed by the Loyal Prince, and was only with difficulty extricated by Ward with the aid of a body of the allied troops on June 10th; the city was then occupied by the Taipings. Forrester himself was taken prisoner and was held for some months in perpetual danger of death by torture, but was ultimately released on payment of a ransom in arms and ammunition.[47] General Ward established his headquarters at Sungkiang, and from his camp there recaptured Tsingpu on August 9th. Thereupon the Taipings raided from Soochow and on August 26th were at the Bubbling Well, three miles from the river-side in Shanghai. As a result of the Taiping successes in June and of this new raid, more thousands of Chinese refugees came thronging into the foreign settlements at Shanghai, the number there at the close of 1862 being declared to be not less than 500,000.[48] all of whom had to be policed, protected and fed. The summer was marked by extreme heat and much sickness, and military operations by the allies were suspended; the only posts, outside Shanghai, permanently occupied were Sungkiang, held by the "Ever-victorious Army," and Nankiao, held by the allies, but these two posts protected the whole Putung peninsula. In this period the French, incited by Ward's success, formed a

[46] Adm. Sir J. Hope to Admiralty, May 31st, 1862, Further Papers rel. Rebellion, 1862, p. 41.

[47] Wilson, *op. cit.*, p. 86; Rantoul, "F. T. Ward," p. 25. Rantoul gives the ransom as "half a million [dollars] in arms, ammunition and opium." Wilson refers to a "ransom of powder and muskets"; so too Montalto de Jesus, "Historic Shanghai," p. 143—"muskets and gunpowder."

[48] Speech of the chairman of the Municipal Council at the meeting of landrenters on April 15th, 1865, cited in Maclellan, "The Story of Shanghai," p. 56.

Franco-Chinese contingent of Chinese troops, commanded by Captain Tardif de Moidrey of the French artillery.

§ 13. Ningpo had been taken by the Taiping forces on December 9th, 1861, and was held by them without any attempt to molest foreign interests, but also without an effort to provide for its administration and the maintenance of order; the foreign settlement, which had been declared neutral,[49] was left undisturbed, and to its shelter, across a narrow river from the city held by the Taipings, fled some 70,000 Chinese refugees.[50] On May 6th, 1862, imperial troops (Cantonese ex-pirates) recaptured Chinhai, at the mouth of the river, and advancing on Ningpo, were preparing to assault it on the 10th. On that day, when the assaulting force appeared, four British and two French war-ships in port were fired on from the city walls, though letters had been sent warning the Taiping leaders against such action. The senior officers, Captain Roderick Dew, R.N., and Lieutenant Kenny, of the French navy, bombarded and then assaulted the city and drove the Taiping troops out. The city was then handed over to the imperial officials.[51] The Taiping forces remained in the vicinity, marauding and devastating the country; and the allied authorities decided to clear by force a zone of country around Ningpo. On August 11th Yüyao, about 15 miles west, was taken by Captain Dew, having under him a force of 1000 men from the "Ever-victorious Army" and the Franco-Chinese force, and 1500 Cantonese "braves," whom he supported by a British and a French gunboat.[52] On September 18th General Ward arrived at Ningpo; and on the 21st, with 950 of his own force, supported by the British gunboat *Hardy* and the French armed steamer *Confucius*, he advanced to the assault of Tzeki (Soochee), ten miles north-west from Ningpo. The city was taken, Vincente

[49] Agreement of consuls at Ningpo, Jan. 13th, 1862, in Mr. Burlingame to Mr. Seward, Jan. 23rd, 1862, U.S. Foreign Relations, 1862, p. 834.

[50] Consul Harvey to Mr. Bruce, Feb. 13th, March 1st, 19th, 20th, 1862, [Still] Further Papers rel. Rebellion, 1862, pp. 11 seq.

[51] Consul Harvey to Mr. Bruce, May 9th, 16th, 1862; Capt. Dew to Admiralty, May 10th, 1862; Further Papers rel. Rebellion, 1862, pp. 30, 36-39.

[52] Adm. Sir J. Hope to Admiralty, Oct. 1st, 1862, Papers rel. Rebellion in China, 1863, p. 98.

Macanaya being first on the walls, and "all the officers leading their men over the ladders"; but Ward fell mortally wounded.[53] On October 9th the same force, under the command of Colonel Forrester, took Fenghwa by assault.[54] The "Ever-victorious Army" was then withdrawn, being replaced by a Franco-Chinese contingent, of ultimately 2500 men, organised by A. E. Le Brethon de Caligny, of the French navy, and Prosper Giquel, then commissioner of customs at Ningpo. This force captured Shangyu, midway between Ningpo and Shaohing, on November 28th; on January 17th, 1863, it was repulsed before Shaohing, losing its commander, Le Brethon, killed in action. His successor, Tardif de Moidrey, was killed on February 19th. Finally, under Aigucbelle, it obtained possession of Shaohing on March 18th, thereby clearing the northern shore of southern Chekiang.[55]

§ 14. In Ward's death the Chinese suffered a serious loss.[56] He was credited, without definite proof, with ambitious schemes for his personal aggrandisement, and with a desire to carve a career such as that of Dupleix or Lally.[57] In the disorganised state of China, with the old empire outworn and helpless, and the new empire impossible, a man of his capacity, with no official ties and responsible to none, may well have had such a vision;

[53] Lieut.-Comm. Bogle to Capt. Dew, Capt. Dew to Adm. Sir J. Hope, Sept. 23rd, 1862, *ibid.*, pp. 99-100.

[54] Capt. Dew to Adm. Sir J. Hope, Oct. 9th, 1862, *ibid.*, p. 101.

[55] Cordier, "Relations de la Chine," i, pp. 215 seq.; Wilson, "Ever-victorious Army," pp. 114 seq.

[56] The most significant testimony came from the officer who had imprisoned him in 1861. "By which event [Ward's death] the Chinese government have lost an able and gallant officer, who had served them well, and whom it will not be easy to replace."—Adm. Sir J. Hope to Admiralty, Oct. 1st, 1862, Papers rel. Rebellion, 1863, p. 98. Adm. Hope also wrote in the same words to Mr. Burlingame. Mr. Burlingame to Mr. Seward, Oct. 27th, 1862, cited in Rantoul, *op. cit.*, p. 55.

[57] "The statement, often repeated, that Ward cherished the larger ambition of supplanting the Tartar dynasty and possibly . . . assuming power rests, as far as I know, upon the statements of Hayes . . . and Macgowan. Both these writers knew Ward well and both are entitled to credit."—Rantoul, "F. T. Ward," p. 36.

"Even Ward was said to have entertained the ambition of founding an independent state of his own in China."—Montalto de Jesus, "Historic Shanghai," p. 153.

"There were also reports that Ward, had he lived, had intended to establish himself as an independent power in the country."—Wilson, "Ever-victorious Army," p. 91.

but no act of his ever showed such an intention, and, in all he actually did, he worked for the benefit of the Chinese, by whose money his force was maintained. While he sometimes had trouble with his European officers,[58] he never had any with his men, who were devoted to him; and, when he was struck down at Tzeki, both officers and men were filled with berserker rage and rushed with their scaling ladders to the assault, the estimated loss of the defenders being 7000, while the force lost only 7 killed and 12 wounded.[59] His relations with the Chinese officials, especially with Li Hung-chang and Taki, were of the best; and he gained the respect and confidence of the English and French officers with whom he was associated.[60] His worth was recognised by the administrators of the government of his own country[61]; and the Chinese government heaped unprecedented honours

[58] "To make use of his [Ward's] own words, expressed shortly before his death, 'I can manage my men, but not my officers.'"—*North-China Herald*, Jan. 10th, 1863.

[59] Forrester's *Recollections* cited in Rantoul, *op. cit.*, p. 39. Lieut.-Comm. Bogle to Capt. Dew, Sept. 21st, 1862, *ubi sup.*

[60] "It is my painful duty to inform you of the death of General Ward, an American, who had risen by his capacity and courage to the highest rank in the Chinese service."—Mr. Burlingame to Mr. Seward, Oct. 27th, 1862, *ubi sup.*

"But the death of General Ward deprived the imperialists of an able leader. The career of this man had been a strange one, but his success in training his men was endorsed by honorable dealing with the mandarins, who reported well of him at Peking."—S. Wells Williams, "Middle Kingdom," ii, p. 609.

"Ward was a brave and active leader, and he was generally regretted, especially by the Chinese, who had perfect confidence in him."—Boulger, "Life of Sir Halliday Macartney," p. 62.

"The Chinese government was not insensible to the worth of such a dedicated soldier of fortune as Ward."—Montalto de Jesus, "Historic Shanghai," p. 148.

"Ward was a brave, energetic leader, and managed very well both with his force and with the mandarins."—Wilson, "Ever-victorious Army," p. 90.

"Ward was undoubtedly a brave man, and he had done excellent service for the Chinese government."—Douglas, "Li Hung-chang," p. 30.

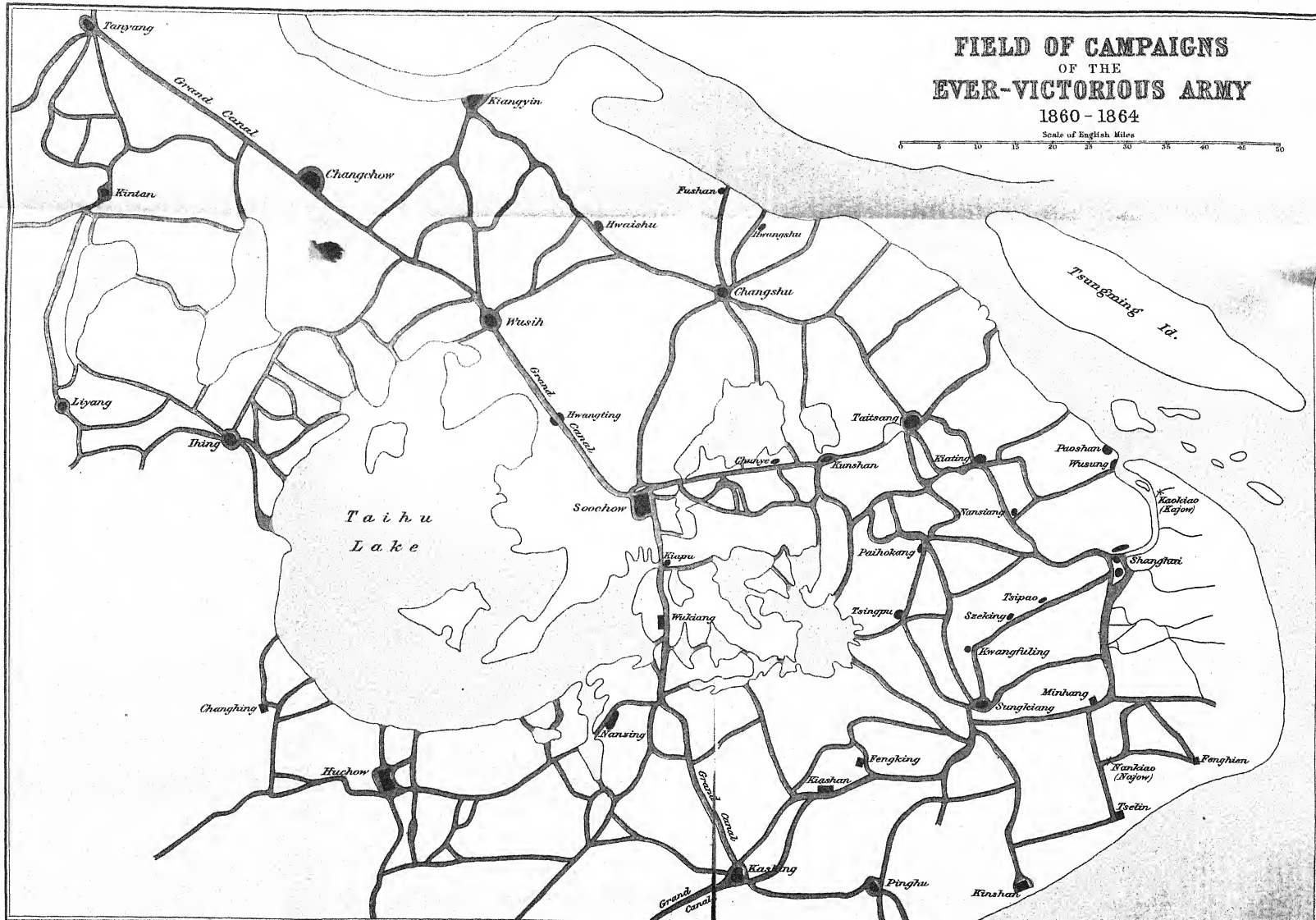
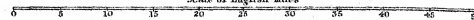
"Ward was an unpretentious, cool, and daring man, reckless of his own life. During his brief campaign he was riddled with bullets."—Michio, "The Englishman in China," i, p. 382.

[61] "You will express to Prince Kung the president's sincere satisfaction with the honors which the emperor of China has decreed to be paid to the memory of our distinguished citizen. He fell while illustrating the fame of his country in an untried, distant and perilous field. His too early death will, therefore, be deeply mourned by the American people."—Mr. Seward to Mr. Burlingame, Feb. 4th, 1863, *U.S. For. Rel.*, 1863, ii, p. 849.

1860 - 1864

1860 - 1864

Scale of English Miles



Bartholomew, Edin?

on his memory. Li Hung-chang memorialised the throne in terms of the highest praise of his courage, his ability, and his loyalty; and an imperial decree declared that the emperor was "filled with admiration and grief. Truly he was a great man, a soldier *sans peur et sans reproche*. . . . We order that at Ningpo and at Sungkiang there be erected altars to his memory. We order the ministry of Ceremonial Rites to appoint offerings to his manes, according to his rank, to comfort his departed spirit. Let this be published far and wide." [62] So do Asiatic rulers honour those who have done them loyal service. For a time the execution of this generous intention was delayed by the well-meant intervention of an American chargé d'affaires, who carried to his official duties the principles he had acquired as a missionary, [63] and the memorial at Ningpo was never erected; but China did not altogether forget what she owed to Ward, and, on March 10th, 1877, a memorial hall was dedicated with Confucian religious rites at Sungkiang, the capture of which had marked the turning-point in the progress of the Taiping rebellion. [64] Here to this day, or, at least, as long as the empire endured, [65] incense is burnt before the imperial tablet recording the merits of the American adventurer Ward.

§ 15. Ward's body was buried at Sungkiang. Before his death, while on the way from Tzeki to Ningpo, he made a nuncupative will, the contents of which were reduced to writing and signed by two witnesses on the British gunboat *Hardy*. He declared that he left

[62] North-China Herald, Jan. 3rd, 1863.

"The Kün-Ki-ta-chu, or Privy Council, have been desirous to know what honours should now be heaped upon him [Ward]; I have suggested a mortuary tablet in the Chinese style: i.e. a stone tablet on a block of granite, on which his name, virtues, deeds of valour, and unhappy end will be perpetuated for the information of all time to come. My suggestion is, I believe, to be adopted."—R. Hart to F. Wilzer, Peking, Oct. 10th, 1862.

[63] "The chargé d'affaires of the United States called at the yamen [Oct. 22nd, 1867] and stated that . . . the foreigners do not consider it an honor to build temples and offer sacrifices to the dead."—From records of Tsungli Yamen, cited in Rantoul, op. cit., p. 61.

[64] North-China Herald, March 15th, 1877.

[65] As noted by Arthur D. Coulter who "lately" (1908) visited the memorial hall. Rantoul, op. cit., p. 62. Also a despatch from Mr. E. H. Conger, U.S. Minister to Peking, in 1901, to the Essex Institute at Salem, cited in brief for claims of Ward estate by John W. Foster.

Tls. 140,000—"The taotai of Shanghai owes me 110,000 taels; the Takee also owes me 30,000 taels—140,000 taels. I wish my wife to have 50,000 taels, and all remains to be between my brother and sister. I wish Admiral Sir James Hope and Mr. Burlingame to be my executors." [66] His wife was Chang-mei, daughter of Taki, who had acted as paymaster to Ward's force and was chairman of the patriotic committee of Chinese merchants at Shanghai, and who was the Chinese director of the force, which did not, until after Ward's death, come fully under the control of the imperial authority, vested in Li Hung-chang, governor of the province. He left no other estate, except his sword [67]; all was entrusted to the banker Taki and the imperially commissioned Taotai of Shanghai, with whom he was in such friendly relations. The amount (£47,000 sterling) is no extravagant sum; he was to receive a sum of money, in one case Tls. 30,000, in another Tls. 36,000, for each city captured by his agency; and he had his share, as general in command, in the prize fund created by looting on a large scale; a practice which was also followed by the English and French. [68] The claim was fully admitted by the Chinese officials, but they asked for time, as they were then short of funds; later, when the claim was pressed, the liability was again admitted, but a counterclaim of Tls. 10,000 was made for supplies furnished, not for Ward, but for his force; a renewal of the claim was met by a counterclaim for Tls. 25,500; and on a later demand, the counterclaim was raised to Tls. 120,000; but all the time the justice of the original claim was admitted. [69] For forty years no part of the claim was paid, but too much discredit must not attach for this to the Chinese nation, the system of government imposing a personal responsibility on an official paying an obligation incurred by another; and of the two respon-

[66] Brief by John W. Foster; Statement of A. A. Hayes, his friend, who saw him before his death, cited in Rantoul, *op. cit.*, p. 53; Mr. Burlingame to Mr. Seward, Oct. 27th, 1862, *ubi sup.*

[67] Now in the Essex Institute at Salem.

[68] Cf. *antea*, notes 41, 42.

[69] "This and all other facts stated in this brief are substantiated by documentary evidence contained in the Archives of the Department of State or of the Legation and consulate in China."—Brief by J. W. Foster.

sible, the taotai was degraded in 1863, and Taki died in 1865. In 1896 Li Hung-chang promised Ward's sister to interest himself in the case; and finally in 1901, with that minister's full approval, the amount of \$180,000 U.S. currency was included in the American claim under the Boxer indemnity, all of which was paid in full.[70]

§ 16. On Ward's death the command of the "Ever-victorious Army" was offered to Colonel Edward Forrester by Li Hung-chang; but he declined it owing to the state of his health, which had been impaired by wounds and his sufferings while a prisoner. The next in command, Henry Andrea Burgevine,[71] was then recommended for the post by Admiral Hope, strongly supported by the American and British envoys [72]; he was accordingly appointed by the imperial government with the rank of Chentai, and the nomination, though with some reluctance, was accepted by Li Hung-chang; who now for the first time assumed direct control and responsibility for the force, though it was still maintained by funds supplied by the patriotic association of Shanghai. It was at this juncture that the Russian authorities offered to Li Hung-chang the services of 10,000 Russian troops to aid in suppressing the rebellion, an offer which the Futai promptly rejected [73]; and at the same time the Russian fleet received orders to co-operate with the British and French fleets in Chinese waters.[74]

§ 17. The epidemics of the summer having abated,[75] a mixed force of 4550 men, with 30 guns—1850 British, 400 French, 800 Chinese under English officers, and 1500

[70] Personal statements to author by Hon. John W. Foster and Hon. Edwin Denby, member of Congress.

[71] Of North Carolina. Born in 1836.

[72] "I felt that it was no more than fair that an American should command the foreign-trained Chinese on land, as the English, through Osborn, would command the same quality of force on sea."—Mr. Burlingame to Mr. Seward, Oct. 27th, 1862, cited in Rantoul, *op. cit.*; Same to Prince Kung, Jan. 1863, U.S. For. Rel., 1863, ii, p. 868.

[73] Montalto de Jesus, "Historic Shanghai," p. 144; Wilson, "Ever-victorious Army," p. 91; Douglas, "Li Hung-chang," p. 30; Mrs. Arch. Little, "Li Hung-chang," p. 17.

[74] Lord Napier (British Ambassador at St. Petersburg) to Earl Russell, Feb. 4th, 1863, Further Papers rel. Rebellion, 1863, p. 155.

[75] "The cholera has subsided, but for some weeks it proved fatal to very many Chinese and some foreigners."—G. H. Fitz-Roy to F. Wilzer, Shanghai, Aug. 6th, 1862.

of the "Ever-victorious Army"—took the field under General Staveley and Admiral Hope, and on October 24th recaptured Kiating after a determined defence. On November 15th a large body of rebels coming from Nansiang was defeated at Hwangtu by imperial troops led by Li Hung-chang in person. Another large body was reported to be threatening Tsingpu, and General Burgevine, marching out from Sungkiang, joined forces with General Chen Siao-ki from Tsingpu, and utterly routed the enemy, on November 19th, at Paihokang (Paokong); the number of the rebels exceeded 10,000, and in the battle 800 were killed, 600 were taken prisoners, and 2000 were drowned in escaping. Their leader, a son of the Mo Wang, was killed in a charge led gallantly by Vincente Macanaya. In December an English force was despatched on a reconnaissance in all directions through the country within the 30-mile radius; and at the beginning of January General Staveley was able to report that "the country around Shanghai remains clear of rebels." [76]

§ 18. General Burgevine had many of the qualities which had characterised his predecessor. He was brave and had been several times wounded in action; he was an able organiser and commanded the respect and confidence of his men; and his manner was good. But in the tact, which had so distinguished Ward, he was deficient. He did not succeed in establishing good relations with the Chinese officials, civil and military, with whom he came into touch; and from the first his relations with Taki, who was still paymaster to the force, were bad. He was supposed to have in an increased degree the ambitious views with which Ward had been credited; and he was especially distrusted by Li Hung-chang, who had not welcomed his appointment. The latter at the outset asked General Staveley to nominate an English officer to act as military secretary to the commander of the "Ever-victorious Army," and, on November 11th, Captain John Yate Holland of the Marines was gazetted to fill the post. General Burgevine's natural discontent at this procedure was further intensified when General Chen, in his report on the battle of Paihokang, magnified his

[76] Gen. Staveley to War Office, Jan. 8th, 1863, Papers rel. Affairs of China, 1864, p. 17.

own share in the victory and omitted all mention of Burgevine and his force; and his expressions of discontent, when reported to the higher Chinese authorities, increased the feeling of distrust in his loyalty. Moreover he spent largely in improving the barracks at his Sungkiang headquarters and in giving promotions which he considered to have been well deserved; and this increase in the cost of the force, combined with personal dislike, drew closer the purse-strings of the Chinese merchants of Shanghai and made the banker Taki less inclined to advance the funds required; and the pay and expenses of the force fell into arrears. At the close of December the whole force, 6000 in number, was ordered to proceed to the aid of Tseng Kwo-fan in his investment of Nanking, but with one accord they refused to go until the arrears of pay were made up. Taki promised to provide funds at the beginning of January, and, at his request, Burgevine proceeded with his bodyguard to Shanghai on January 4th, and went to Taki's house to receive the money; an altercation ensued, in the course of which Burgevine struck Taki in the face, and after it he carried off for his force a sum of money, Tls. 40,000, which was in the room, and which, he declared, was the actual money promised and ready to enable him to carry out the undertaking which, on the strength of Taki's promise, he had given to the force in order to allay the threatened mutiny.[77]

§ 19. The dislike of General Burgevine then reached its climax. The first step of the Chinese was to denounce him and threaten him with capital punishment for disobedience of orders, resistance to lawful authority, open burglary and abstraction of public funds; and a reward

[77] Personal statement of Gen. Burgevine, Jan. 10th, 1863, in *North-China Herald*, Jan. 17th, 1863; Mr. Burlingame to Mr. Seward, June 23rd, 1863, *U.S. For. Rel.*, 1863, ii, p. 864; Mr. Bruce to Prince Kung, April 2nd, 1863, *ibid.*, p. 869; consul Medhurst to Mr. Bruce, Jan. 8th, 1863, *Foreign Papers rel. Affairs of China*, 1864, p. 18.

"The money was brought out voluntarily, no compulsion whatever being used either on entering the house or obtaining the money . . . we were told 'The money is here all ready; you may get coolies and take it away.'"—Statement of Capt. Ludlum, *Papers rel. Affairs China*, 1864, p. 20.

Taki's comprador accompanied the money to Sungkiang and acted as witness to its distribution to the force.—Boulger, "*Halliday Macartney*," p. 66.

of Tls. 50,000 was offered for his abduction. The next step, more statesmanlike in its character, was taken by Li Hung-chang, who requested General Staveley to inform General Burgevine of his dismissal and to induce him to submit, which he did. General Staveley was also asked to nominate an officer for the command. A strong party existed among the Chinese to promote the appointment of Halliday Macartney, a surgeon in the British army, who had resigned and joined the "Ever-victorious Army" in November [78]; but this nomination did not find favour with the force and was not approved by the British authorities. General Staveley first proposed Colonel Forrester [79]; and, on his again declining the command, he nominated Captain Holland "for the temporary joint command," and was prepared to "recommend Captain Gordon, R.E., for the permanent joint command, on the conditions herewith transmitted." [80] The "Ever-victorious Army" was now in a dangerous mood. Their pay was in arrears and had only partially been provided by an act which had been denounced as a high-handed outrage; their prize-money, it was rumoured, was to be interfered with; their commander, who had their respect and confidence, had been unjustly treated; a new commander was to be imposed on them; and, while a great majority of the officers of the force were American, this new commander was an Englishman. A protest was made in strong terms against the manner in which General Burgevine had been treated; and the signers—9 field-officers, 29 captains and 13 other officers—"solemnly pledged themselves, if General Burgevine should be executed as was threatened, not to serve the Chinese authorities any longer." [81] Captain Holland was, however, gazetted, on January 15th, as commander of the force, and was given by the Chinese authorities the brevet rank of Chentai (Brigadier-General) and Taotai; and the

[78] North-China Herald, Jan. 10th, 1863; Boulger, "Halliday Macartney," p. 67.

[79] Cf. *antea*, § 16.

[80] Gen. Staveley to consul Medhurst, Jan. 12th, 1863, Papers rel. Aff. China, 1864, p. 24. John Yate Holland was born Dec. 20th, 1827; entered the Royal Marines in 1847; and died Dec. 22nd, 1906.

[81] North-China Herald, Jan. 17th, 1863; Papers rel. Aff. China, 1864, p. 20.

threatened mutiny was countered by Li Hung-chang, who paid up all arrears and assumed the responsibility of providing for the force from imperial funds.[82]

§ 20. General Burgevine's subsequent career would provide the theme for a highly exciting romance; but, as it produced no lasting effect on the course of history, only a brief summary need be given here. He submitted for a time to his dismissal, and thereby undoubtedly averted a mutiny of the force he had commanded. On February 20th, after the catastrophe at Taitsang, he left Shanghai and went to Peking to plead his own cause. He produced the most favourable effect on both the American and British envoys,[83] and they joined in urging Prince Kung to reinstate him. The prince, however, was not in a position to require the reversal of a decision made by the governor of a province in a matter within his jurisdiction, and would only agree to refer the question back to Shanghai. General Burgevine returned to Shanghai full of confidence,[84] but he found that Li Hung-chang had no intention of restoring him to his former position. He then took a step which finally alienated all sympathy. Collecting a band of adventurous spirits from his former colleagues in the "Ever-victorious Army," he seized the steamer *Kajow* at Sungkiang on August 2nd and carried her off to Soochow, where he entered into the Taiping service. He fought for them for two months, but gained no position of trust,[85] and in October he and his adherents surrendered

[82] Wilson, "Ever-victorious Army," p. 94; Mossman, "General Gordon," p. 120.

[83] "In conclusion I can state that I have formed a high opinion of General Burgevine's qualifications for the post he occupies. He is brave, honest, conciliatory in his manner, and is sincerely desirous of serving the Chinese government, as he looks upon this country as his home."—Mr. Bruce to Prince Kung, April 2, 1863.

"Now as to the first point [refusing to go to Nanking] it must be admitted that no blame attaches to General Burgevine. . . . He has been nearly three years in the Chinese service; he has been wounded seven times; he has never been charged with any fault, and, though he has fought in nearly one hundred battles, has never been beaten. . . . I can inform your imperial highness that the English and Russian ministers are equally desirous with myself that General Burgevine shall be restored to his old command."—Mr. Burlingame to Prince Kung, April 2nd, 1863. Both in U.S. For. Rel., 1863, ii, p. 869.

[84] North-China Herald, April 25th, 1863.

[85] Ibid., Sept. 19th, 1863.

to Gordon.[86] His treason had many apologists among the foreign community at Shanghai,[87] but the Chinese were naturally furious; and, on August 12th, Li Hung-chang issued a proclamation offering a reward of Tls. 3000 for "delivery of the said Burgevine, alive or dead." [88] A letter, signed by eleven consuls, including those for America, Great Britain and France, was sent to the Futai, protesting against any intention of arresting or judging Burgevine otherwise than according to American law; but Li maintained his position and refused to modify his proclamation.[89] As much to save him from the unwelcome attentions of Chinese officials as for any other reason, he was arrested by the American consul in November: and, partly with his own consent, partly under compulsion, was deported to Japan.[90] Having recovered from his wounds and tiring of a life of inactivity, he left Japan and landed at Ningpo in June 1864, a month before the fall of Nanking; and, going inland, joined the lost cause of the Taipings for a second time. In May 1865 he was taken prisoner on the capture of Changchow, in Fukien, by a force under Kirkham, and was by him handed over to the Chinese officials.[91] They sent him to Foochow, and from there he was sent to Soochow,[92] but did not arrive there. The American consul demanded his surrender, but was informed that he had been accidentally drowned on the way.[93] In October his body was sent to Shanghai and identified by gold fillings in his teeth and by the marks of wounds which he had received in battle; it was at the time admitted as possible that his death was the result of accident,[94] but later on public opinion crystallised to the belief that he was "probably deliberately drowned on the way." [95] In

[86] North-China Herald, Aug. 8th, 1863; Mossman, "General Gordon," pp. 218 seq.; Boulger, "Halliday Macartney," pp. 81, 85; personal statement of Burgevine, North-China Herald, Oct. 24th, 1863.

[87] North-China Herald, Jan. 2nd, 1864.

[88] Ibid., Aug. 22nd, 1863.

[89] Ibid., Aug. 29th, 1863.

[90] Ibid., Nov. 21st, 1863.

[91] Ibid., May 27th, 1865.

[92] Ibid., July 1st, 1865.

[93] Ibid., July 15th, 1865.

[94] Ibid., Oct. 14th, 1865.

[95] Ibid., Jan. 6th, 1866; also Sept. 2nd, 1865.

the meantime the American government renounced jurisdiction over Burgevine, but it was to be "understood to rest upon our own voluntary consent upon the grounds of national honor, and not from Chinese right under treaty stipulations." [96]

[96] Mr. Williams (*chargé d'affaires*) to Mr. Seward, June 26th; Mr. Seward to Mr. Williams, Nov. 6th, 1865; U.S. For. Rel., 1865, ii, pp. 452, 462. It is to be inferred that Mr. Burlingame assented to this decision, as he was in Washington at the time; U.S. For. Rel., 1865, ii, p. 462.

CHAPTER V

THE TAIPING REBELLION: GORDON

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§ 1. On the dismissal of Burgevine from the command of the "Ever-victorious Army," the time appeared to have come for clearing up matters. In its international relations the Chinese government had learned that, on the cessation of hostilities, it was time to cease hostility; and the new policy, initiated at the *coup d'état*, [1] of friendliness with the Western powers and conformity to

[1] Cf. chap. iii, § 15.

their reasonable wishes, had been adhered to for a full year. A new spirit had been introduced into the conduct of the campaign against the rebels; and, though the imperial troops were not yet qualified to hold their own, unaided, in battle or siege, the master mind, Li Hung-chang, had formed a juster estimate of the worth of the force trained by Ward and heritor of his spirit; and, above all, he had come to appreciate the great value of foreign aid—of having the Western powers no longer observing a strict neutrality, but throwing their active assistance into the scale in favour of the imperial cause, and preventing the Taiping leaders from openly enlisting foreign auxiliaries or obtaining military supplies from foreign merchants. With this, however, he had learned to appreciate more fully the possible danger to the empire from a mercenary force led by an ambitious commander. Finally the representatives of the Western powers, both diplomatic and military, had had a year's experience of the working of their policy in protecting from rebel incursions a region of supply around Shanghai, and had extended that policy to Ningpo as well; and they were ready to continue this protection and to establish it on a firmer basis; but they too had learned to estimate at its true value the worth of Ward's force, and they proposed to make it the nucleus of their arrangements.

§ 2. Both sides being thus in a proper frame of mind, an agreement for the better administration of the "Ever-victorious Army" was made between Li Hung-chang, who had solicited English aid, and General Staveley. Of this agreement the important articles were the following:

1. The force to be under the joint command of an English and a Chinese officer. For the Chinese officer, Li Heng-sung, known commonly as Li A-dong, was designated; for the English officer, who was to enter the Chinese service, Captain Holland was nominated temporarily, but Captain Gordon was to take the command when he should have received the necessary authorisation; he was to have the rank of Chentai.

2. For expeditions beyond the thirty-mile radius the previous consent of the allies (English and French) was necessary.

3. Chinese were to be appointed as provost marshal, paymaster, and in charge of the commissariat.

4. Pay was to be provided with regularity, and issued in the presence of the joint commanders.

5. The strength of the force was to be reduced to 3000, or even below that number, if the custom house receipts should fail.

6. The extra allowances of the foreign officers were to be discontinued.

7. The force and its commanders were to be under the orders of the Futai (Li Hung-chang), who was also to buy the military supplies.[2]

General Staveley disliked the reduction of the strength to 3000, urging the Futai to maintain it at 4500; and he protested against a possible reduction below 3000, this force "being actually necessary to assist in the defence of the thirty-mile radius"; with a smaller force "the officer commanding her Majesty's troops at Shanghai might soon, and perhaps during the hot season, find himself with Kiating, Tsingpu and Sungkiang invested by the rebels, and the Chinese as usual imploring him to succour their garrisons." [3] Li Hung-chang declined to concede the point, alleging that "as the rebels are daily receding beyond the thirty-mile radius, there is no necessity for a greater force to defend Shanghai." [4] This statement, General Staveley declared, "is not true; the rebels still hold the cities next beyond those captured by the allies." [5]

§ 3. Captain Holland assumed command on January 15th, 1863. The mutinous tendency in the force had been allayed by the Futai's payment of arrears, but the officers felt that they had many grievances [6]; and, though in the records of the time there is no note of any hostility to Captain Holland, it would appear probable that he was not thoroughly welcomed as a satisfactory successor to Ward, whom they had revered, and Burgevine, in whom they had felt confidence. Matters went ill. Early in February a detachment, under Major Brennan, was sent to attack some rebel troops near Fushan, on the Yangtze above Wusung; it achieved no great success. [7] and, after ten days' constant skirmishing, it returned to Sungkiang. On February 10th Captain

[2] Papers rel. Aff. China, 1864, p. 21.

[3] Gen. Staveley to War Office, Jan. 17th, 1863, *ibid.*, p. 23.

[4] Li Futai to consul Medhurst, Jan. 17th, 1863, *ibid.*, p. 24.

[5] Gen. Staveley to War Office, *ubi sup.*

[6] Cf. chap. iv, § 19.

[7] "We had several brushes with the rebels, but with indifferent success."—Howard, "Short Sketch of the Taiping Rebellion," p. 11.

Holland started from Sungkiang with 2500 infantry of his force, 700 artillerymen and 22 guns, and, after a four hours' bombardment, assaulted Taitsang (Taitsan) on the 15th. The garrison had been heavily reinforced from Soochow; and, as the breach was not properly reconnoitred, the result was a disastrous defeat. In the retreat a further mistake was made, in prematurely ordering the withdrawal of the field artillery, and the losses incurred were heavy, 190 killed and 174 wounded.[8] "This finished Holland." [9] He lost the confidence of the Chinese authorities and of his own force, and he could no longer command the support of the British.

§ 4. Matters had gone from bad to worse with the "Ever-victorious Army." It had learned the bitterness of defeat; and now, in the stagnation of garrison duty at Sungkiang, it had nothing to do but brood over its wrongs. At the end of March a mutiny broke out, occasioned by resentment because three soldiers of the force had been tried for plundering and had been beheaded by the civil authorities at Sungkiang, and not by their own provost marshal.[10] There was every prospect that the force would be disbanded,[11] but redemption was already in sight. A British Order in Council was issued on January 9th authorising English officers to take service under the Chinese government,[12] and a copy of this, together with the formal permission for Major Gordon to enter the Chinese service, reached General Staveley at the same time as the news of the disaster at Taitsang.[13] The force wished—it might almost be said, was resolved—to have, in succession to Holland, no commander but Burgevine[14]; but his reinstatement was out of the

[8] Howard, *op. cit.*; Wilson, "Ever-victorious Army," p. 125; Boulger, "Halliday Macartney," p. 73; North-China Herald, *passim*.

[9] Howard, *op. cit.* "This is the first severe repulse sustained by the Ever-victorious brigade."—Consul Medhurst to Sir F. Bruce, Feb. 22nd, 1863, Papers rel. Aff. China, 1864, p. 49.

[10] Howard, *op. cit.*; North-China Herald, March 30th. 1863.

[11] Boulger, "Life of Gordon," p. 78.

[12] War Office to Foreign Office, Jan. 22nd, 1863, Further Papers rel. Rebellion, 1863, p. 137.

[13] "On the very day of Captain Holland's defeat a despatch arrived. . . ." Wilson, "Ever-victorious Army," p. 125. Also Boulger, "Halliday Macartney," p. 77.

[14] "It was announced, March 25th, that both the officers and men had determined to obey no one but Burgevine."—Wilson, *op. cit.*, p. 144.

question, and, on March 24th, Charles George Gordon—"Chinese Gordon"—was gazetted, "the Prince Kung and Sir Frederick Bruce having approved of the appointment, to the command of the Ward force,"[15] the order having been delayed by Gordon's absence on his military survey of the country.

§ 5. Major Gordon took over the command, on March 25th, at a critical moment. The force was sulky and mutinous, and did not wish an English officer [16]; but he informed the officers, commissioned and non-commissioned, that they need not fear sweeping changes or injury to their prospects [17]; and they remained in their duty. They accepted him, on sufferance at first, but in no long time with enthusiasm, as he gave them their heart's desire, victory. The assurance he gave them was the key-note to his conduct: he was a military genius, and no mere imitator, but he handled the force in much the same way as Ward, its creator. He dominated them by a strong will, and a combination of geniality, quiet and reserve; he too, like Ward, had the habit of going into action armed only with a short rattan cane; and, with or without intention, he was a hero to his men.[18] In some ways, however, he was unlike Ward: he had no personal ambitions to serve; he refused all emoluments of any description beyond his official pay; and, though he accepted the dignity of Chentai on his appointment, he always issued his orders as "Major Gordon, R.E.," and did not allow himself to be addressed as general.

§ 6. Pressed by the Chinese authorities and naturally prompt in his decisions, Gordon lost no time. His first step was to undertake the task in which Brennan had failed, the relief of Changshu. Leaving Sungkiang on April 2nd with 2250 men and 12 guns, he landed at Fushan and was there joined by 6000 imperial troops; the combined force met the covering Taiping army on the 6th and defeated it; and on the 7th advanced and broke up the siege lines investing Changshu, the garrison and in-

[15] General orders in Mossman, "General Gordon," p. 155.

[16] "The commissioned officers were all foreigners . . . but Americans were in the majority."—Wilson, *op. cit.*, p. 127.

[17] Wilson, *op. cit.*, p. 144.

[18] Cf. chap. iv, § 7.

habitants of which had been reduced to the utmost extremity. For this exploit the rank of tsungping, general of volunteers, was conferred on Gordon by imperial decree.[19] A pretended offer for the surrender of Tait-sang led the brother of Li Hung-chang, with 2000 imperial troops, into an ambuscade in which he lost 1600 men; and an order was sent to Gordon to take the place, which was garrisoned by 10,000 Taiping troops. He marched to it with 2800 men, captured the outlying defences on April 30th, and on May 1st carried the city after a determined resistance.[20] The first regiment over the wall was led in person by Major Brennan, who thus redeemed himself for his lack of success in February.[21] "Futai's brother gets his affair mixed up with this attack, and gets whitewashed." [22]

§ 7. Some trouble was now occasioned by the return of Burgevine from Peking and his demand for reinstatement; but Li Hung-chang was enthusiastic in his support of Gordon [23]; Sir F. Bruce, while giving his countenance to Burgevine, considered it "desirable that Ward's force should be commanded and officered by men who are not adventurers" [24]; General Brown, who had succeeded General Staveley, formed a high opinion of Gordon's ability [25]; and his recent victories secured Gordon in the command. But the dispute brought trouble in its train. The force was laden with the plunder of Tait-sang, and a return to Sungkiang was necessary; and there the sympathy of the officers and men with Burgevine created a revival of their mutinous spirit. But the ring-leaders among the officers were dismissed, some of them joining Burgevine in his desertion to the Taipings in August; and the force was again led into the field, and arrived before Kunshan (Quinsan) on May 27th. This

[19] Li Futai to Gen. Gordon, May 16th, 1863, in Wilson, *op. cit.*, p. 146.

[20] "Rebel loss not severe; ours heavy indeed."—Gordon's private diary, Mossman, "General Gordon," p. 171.

[21] Wilson, *op. cit.*, p. 151; Mossman, *op. cit.*, p. 170.

[22] Gordon's private diary, *ubi sup.*

[23] Li Futai to consul Markham, April 24th, 1863, Paper rel. Aff. China, 1864, p. 82.

[24] Mr. Bruce to Gen. Staveley, March 12th, 1863, *ibid.*, p. 68.

[25] "The man is a military genius, and must be supported."—Words of Gen. Brown, in Michie, "Englishman in China," i, p. 386.

city occupied a hill rising to 200 feet in height, the only hill in the whole country round; was connected by broad water-ways with Soochow to the west, with Shanghai to the south-east, and, by several routes, with the Yangtze to the north and east; was protected by shallow lakes on the north and west; was the seat of a Taiping arsenal and foundry; and was a place of the highest strategical importance. At this date it was defended by a garrison of 8000 and a covering force estimated at between 4000 and 7000 of picked Taiping troops under the Mo Wang. For some time it had been besieged by imperial troops under General Chen, but he was in turn besieged in his camp and was only rescued by Gordon's arrival. General Chen had conducted his siege operations against the east gate; but Gordon discovered that the west was the weaker strategical side; and, while the imperial troops delivered assaults, on the 28th, 29th and 30th, against the east side, he proceeded, on the 31st, in the armed steamer *Hyson* [26] on a reconnaissance along the canal to within a mile of Soochow, silencing with his guns several Taiping stockades on the way. He discovered that the only line of retreat from Kunshan to Soochow could be cut at Chunye, eight miles from Kunshan and sixteen from Soochow, where a lake approaches close to the canal. On his way to Soochow, he took the stockade at this point and left 300 rifles in it as garrison. Returning to Chunye at 3 a.m. on June 1st he found that the troops in garrison at Kunshan, alarmed at having their communications cut, were trying to escape and were held in check by his small force; and, with the aid of the *Hyson*, the Taiping host was securely bottled up. Of the garrison of 8000 men, "4000 to 5000 killed, drowned, and murdered by villagers, 2000 prisoners taken, 1500 boats captured. Our loss two killed. Value of steamer" [27]—and, it may be added, "value of the strategical prescience of a military genius."

§ 8. Kunshan was, under present conditions, a more important strategical point than Sungkiang; and, partly for this reason, partly because his force would be more

[26] "Worth at least 10,000 men. Moral effect."—Gordon's private diary, *ubi sup.*

[27] Gordon's private diary.

under control there than at Sungkiang.[28] Gordon determined to transfer the headquarters of the "Ever-victorious Army" from Sungkiang to Kunshan. The force was dissatisfied and mutinied in protest. One man was picked out as ringleader and shot, whereupon the greater number, leaving their arms, deserted, thereby reducing the field force from 3900 to 1700. Ward had taken a rabble from the fields, and, by influence and magnetic force, had taught them to march and fight and had led them to victory, a few hundreds against many thousands; and this he had done by humouring them in unessential matters.[29] Gordon was of different mould. He was willing to placate his men, so long as they behaved themselves[30]; but unmilitary conduct, a mutinous spirit, and the subordination of a soldier's first duty—fighting—to private interests—loot—were things he would not stand. He accepted the decision of the deserters and let them go; and, in their place, he enlisted bodily the two thousand Taipings taken prisoners at Kunshan.[31] At Sungkiang was established an arsenal and base depot, in charge of which was placed Halliday Macartney, who was authorised to enlist and drill a regiment to garrison it[32]; and the headquarters of the "Ever-victorious Army" were established at Kunshan. This decision was not pleasing to General Chen, who looked on Kunshan as his, conquered by the valour of his troops; and the jealousy between the two forces delayed any forward movement. Matters culminated when a body of Chen's troops fired on a body of Gordon's men, who, at the time, had their distinctive green-and-red flag displayed. Gordon was very angry and wished to resign, but the matter was arranged by the mediation of Macartney, and General Chen apologised.[33]

§ 9. Gordon's next point of attack was Soochow, once a wealthy trading and literary centre, now a devas-

[28] Gordon's private diary.

[29] "Men then desert, 1700 only out of 3900 remain. Very disorderly lot. Ward spoilt them."—*Ibid.*

[30] Cf. *antea*, § 5.

[31] "Recruits rebel prisoners, who are much better men."—Gordon's private diary.

[32] Boulger, "Halliday Macartney," p. 78.

[33] *Ibid.*, p. 80; Wilson, "Ever-victorious Army," p. 165.

tated and impoverished city, its former population of a million people reduced to a quarter of that number. He did not propose to make a direct assault on the city, protected by a wide moat and lofty walls of substantial thickness, and defended by the flower of the Taiping army; his plan was to attack it by capturing the cities lying around it, to patrol the Taihu Lake, and hold Soochow in a vice between the lake to the west and Kunshan to the east.[34] Leaving Kunshan on July 25th with 2200 men and two steamers, Gordon on the 27th captured a strong position at Kiapu, on the Grand Canal ten miles south of Soochow, and on the 29th assaulted and took the city of Wukiang (Wookong) five miles further south.[35] It was then that a new cause of dispute with General Chen arose, that officer having beheaded five men of importance among the prisoners taken by Gordon's force, and Gordon decided that regard for his honour required him to resign. But, going to Shanghai, he there learned of Burgevine's defection, and abandoned his intention, returning at once to Kunshan.[36] Thence he went again to Kiapu, arriving in time to repel a determined attack by 5000 Taiping troops from Soochow. On August 23rd the city of Fengking (Fungching), 20 miles south-west of Sungkiang, was taken by assault by Macartney and his new Sungkiang levies, aided by a detachment of imperial troops from Chen's force before Soochow.[37]

§ 10. In the "Ever-victorious Army" there was still much expressed sympathy for Burgevine [38]—not sympathy with his treason, but indignation at his treatment

[34] "G. determines to attack Soochow, not directly, but on same principle as Quinsan, viz. by cutting communications. Original intention to take Wokong . . . and Woosieh . . . then to hold Tahoe Lake, west of Soochow, while in possession of Quinsan, to the east of Soochow. Idea modified by defection of Burgevine. Soochow admirably situated to be cut off. Never thought it necessary to take Soochow by force."—Gordon's private diary.

[35] For his gallant conduct on these two occasions Capt. W. C. Howard was promoted on the field to Major.—Mossman, "General Gordon," p. 198.

[36] Mossman, *op. cit.*, p. 202; Wilson, *op. cit.*, p. 170.

[37] Mossman, *op. cit.*, p. 206; Boulger, *op. cit.*, p. 84.

[38] "State of the force not satisfactory. Too much talking among officers about Burgevine. Men sickly from inactivity."—Gordon's private diary.

—and Gordon moved out from Kunshan to Hwaikweitang (Waiquidong), six miles east of Soochow. Starting thence with 800 of his own men and 300 of the Franco-Chinese contingent under Bonnefoy, Patakiao, a noble bridge of fifty-three arches across the Grand Canal two miles south of Soochow, was occupied September 29th. Such close proximity to the city provided an opportunity for informal conferences, and the foreigners in the Taiping service, despairing of the success of the cause, resolved to desert; and, on October 15th, thirty-four officers and men [39] came in, followed on the 17th by Burgevine, all surrendering under Gordon's pledge of immunity from punishment. Nineteen of those who surrendered were at once taken into Gordon's body-guard,[40] and one officer, Morton, an American, was restored to his former rank as major in the "Ever-victorious Army." [41] From this time we hear of no further disaffection in the force. On October 23rd General Chen got entangled in an action undertaken independently, and was rescued by a detachment from Gordon's force; on the 13th a first, and on the 27th a second attack on Wukiang by a large Taiping force from Kashing was defeated with a loss of 1500 men and 1200 boats.[42] Then Gordon proceeded to envelope Soochow, occupying in succession Wulangkiao (west of Patakiao), and Liku, Wangting (Wanti) and Takiaku [43] (north of Soochow), thus joining hands with the Futai's brother operating from Changshu.

§ 11. Further movement was temporarily arrested by the seizure of the steamer *Firefly* by an Englishman, named Lindlay or Lindley,[44] which he carried off to Soochow; but, after blocking the Grand Canal at Fusaikwan, on November 19th the direct siege was begun by a bombardment at the Low-men, the east gate. The city was defended by 40,000 Taiping troops, for whom the only line of retreat open was to the north-west; and there

[39] Thirteen American, 11 English, 10 other European.—List in Papers rel. Aff. China, 1864, p. 171.

[40] Ibid.

[41] North-China Herald, Oct. 25th, 1863. Killed at Changchow, May 1864.

[42] "This was owing to the *Hyson* steamer, who did it all."—Gordon's private diary.

[43] "Meet determined resistance at Tajowku."—Ibid.

[44] "Tai-ping Tien-kwoh" by Lin-le.

were 20,000 in Wusih, and a field force of 18,000, under the Loyal Prince, between the two cities. The besieging force consisted of 10,000 imperial troops under General Chen, 3100 of the "Ever-victorious Army" and 400 of the Franco-Chinese contingent, with two armed steamers patrolling the Taihu Lake; these were supported by 25,000 imperial troops under the Futai's brother, with headquarters at Changshu.[45] An assault delivered on the 27th was repulsed with heavy loss, Gordon's men losing 50 killed and 130 wounded; but on the 29th a fresh assault resulted in the capture of the outlying stockades. Treason and faintheartedness now began to sow dissension in the Taiping host and negotiations for surrender were opened. The Mo Wang was still strong for continued resistance, but he was assassinated by his brother wangs, and the imperial city of Soochow was surrendered on December 4th.

§ 12. In Soochow there were three parties. The Loyal Prince, commanding the field force, the one great captain of the Taiping cause, despaired of further success in Kiangsu and proposed to carry the Taiping armies down to Kwangsi. The Mo Wang, a bold leader in battle, declared himself in favour of fighting it out, at Soochow and wherever else they could. Besides these there were in Soochow four wangs and thirty-five tienchwang, or deputy-wangs, who made to General Chen proposals for surrender. He insisted on Gordon's seeing their leader, the Na Wang [46]; and as a result of the conference the Taiping leaders and their troops surrendered to General Chen.[47] In order to keep his men in military efficiency, Gordon then proposed to march on Wusih, but, as a necessary preliminary, he asked the Futai to grant the force two months' pay in lieu of the loot of Soochow. Li Hung-chang refused. General Chen then offered one month's pay, which the force refused to accept. "Matters

[45] Wilson, "Ever-victorious Army," p. 186.

[46] Called Lah Wang in Gordon's statement and some other documents of the time.

[47] "General Ching's men advanced and with a small body took charge of the Low-men [east gate], my men being kept fallen in, as they are under stricter discipline than the imperialist soldiers are. On the night of December 4th the rebels all shaved their heads."—Gordon's personal statement in *North-China Herald*, Dec. 12th, 1863; also in *Papers rel. Aff. China*, 1864, p. 195.

began to look bad, and I [Gordon] at last determined to make the men accept the one month's pay, which I did with difficulty, the men having made an attempt to march down on the Futai." [48] The force then left for Kunshan, but Gordon remained to investigate a rumour that the Taiping leaders, whom he assumed to have been admitted as prisoners of war, were in danger of their lives. At noon of the 5th the wangs and deputy-wangs were summoned to the presence of the Futai. Their followers had shaved their heads, [49] but they strode in to the interview in the full panoply of long-haired princes, assuming rather the air of condottieri who had transferred their services to another sovereign, than of subjects returning to their proper allegiance. They demanded that they themselves should receive commissions in the imperial army and that their followers, many thousands in number, should be enrolled among the imperial troops; and they proposed that half of the city of Soochow, to be shut off from the other half by a wall, should be assigned to them as their place d'armes. From a Chinese point of view there was but one answer to such contumacy, and within the hour the heads of eight Taiping leaders rolled on the pavement. [50]

§ 13. Li Hung-chang assumed full responsibility for this act of "Asiatic barbarity." [51] He recognised that the wangs had been admitted to clemency by Chen, acting with Gordon's cognisance, in order that great further loss of life and further misery might be saved; but he argued that the attitude of the wangs, and their assertion of an independence which might make it possible for them once again to open hostilities, compelled him to order their execution on the same ground as that given by Gordon for accepting their surrender as prisoners of war, viz. that the act was the only way of averting great further loss of life and further misery. He argued

[48] Gordon's personal statement, *ubi sup.*

[49] Shaving the front of the head and letting the back hair grow into a long queue was the badge of Manchu conquest from 1634 to 1912. Cutting the queue and letting the hair grow naturally was, under the empire, always the symbol of rebellion.

[50] Public proclamation of Li Hung-chang, Feb. 14th.—North-China Herald, Feb. 27th, 1864.

[51] Cf. chap. ii, § 13.

also that Gordon was "totally unaware of the change in the conditions caused by the contumacious attitude of the rebel chiefs, and of the pressing urgency and extreme danger of the consequences involved, which left not an instant for delay, and which led the Futai to inflict at once the penalty prescribed by military law." [52] In this he had the support of General Chen, who, as an ex-Taiping leader himself, knew their mode of thought, and who urged his present chief to "cut off the heads of their leaders, and their myriads of followers will instantly subside into insignificance; you will thus secure the tranquillity of the city," [53] in which the Taiping host far outnumbered the imperial troops. Chen is further said to have declared to Macartney that, although the Futai was cognisant of all that occurred, it was he himself who ordered the execution, "for, had the wangs not been executed, the next Gazette would have contained an order for my decapitation, and possibly for the degradation and death of the Futai." [54] This would unquestionably have been the result if the Futai had shown any slackness and permitted these arch-rebels to survive. So would an Asiatic ruler have acted; so must an Asiatic minister execute the will of his master; and Li Hung-chang was the minister of an Asiatic state which was not—not yet—sensitive to the opinion of a nineteenth-century Europe.

§ 14. Gordon, of course, could not share these views, nor could he allow these acts to be associated with his name. Once before [55] he had shown resentment at the want of consideration shown by Chen; once again [56] he had threatened to resign from the command because Chen had beheaded five leaders among 1500 prisoners taken by the "Ever-victorious Army," though on a previous occasion [57] such men as Hope, Protet, Staveley

[52] Proclamation of Li Hung-chang, Feb. 14th, 1864, *ubi sup.*

[53] Li Hung-chang's memorial to throne reporting death of Chen Siao-ki in the capture of Kashing, March 20th, in *Peking Gazette* of April 30th, 1864, *North-China Herald*, Jan. 7th, 1865.

[54] *North-China Herald*, June 18th, 1864.

[55] *Cf. antea*, § 8.

[56] *Cf. antea*, § 9.

[57] The capture of Kiating, May 1st, 1862, when 1500 prisoners were taken, of whom "fifty rebels of the deepest dye" were handed over to the Taotai for his summary judgment.—*North-China Herald*, May 9th, 1862.

and Ward had handed fifty prisoners to the Taotai for execution; and once before he had accepted the surrender of leaders among the rebels—Burgevine and his followers—under a promise that their lives should be spared. Now, though his was a subordinate command, and though the wangs had surrendered to Chen, his own men having been kept fallen in, he felt that his honour was involved in the execution by his superior officer [58] of prisoners whose lives he had personally guaranteed, and he was filled with a righteous wrath. He rejoined his force at Kunshan, taking with him the head of the Na Wang and his surviving son, whom he was able to rescue from death; but, before leaving Soochow, he wrote to the Futai an angry letter, reproaching him for his breach of Gordon's plighted word, and demanded that he restore Soochow to the Taipings and resign his own office. The Futai then sent Macartney to Kunshan to assure Gordon that he assumed all responsibility for his act, in which Gordon was in no way implicated, and that he would publish this far and wide—"but also tell Gordon that this is China, not Europe." Gordon received Macartney in an angry mood, [59] and his only answer was to order out the *Hyson* and a body of troops with the intention of making Li Hung-chang a prisoner. He got half-way to Soochow, and then repented of his purpose and returned to Kunshan. His thought then was to resign the command, but this did not seem to meet the requirements of the case. General Brown, going to Kunshan on December 9th, thought so seriously of the situation that he "found it necessary, in order to restore discipline and to avert a perhaps total defection of the force, to take Major Gordon and his force formally under my command." [60] General

[58] Cf. *antea*, § 2, 7°.

[59] "The Futai sent Mr. Macartney to persuade me he could not have done otherwise, and I blush to think that he could have got an Englishman, late an officer of her Majesty's army, to undertake a mission of such a nature."—Major Gordon's personal statement, *ubi sup.*

"I am very sorry that I ever penned that remark, as I believe you went out of your way on this occasion wholly on the same public grounds which led eventually to my taking the field myself, and I can only excuse my having done so by recollecting the angry feelings with which I was actuated at that time."—Major Gordon to Mr. Macartney, July 5th, 1864, Boulger, "Halliday Macartney," p. 111.

[60] Gen. Brown to Sir F. Bruce, Dec. 17th, 1863, *Papers rel. Aff. China*, 1864, p. 194.

Brown then had an interview with Li Hung-chang, who assumed full responsibility for his act and maintained its righteousness and necessity, and who was then distinctly informed of the "indignation and grief with which the English people, together with all the civilised nations of the world, would regard his cruelty and perfidy," and that Major Gordon had received instructions to suspend all active aid to the imperial cause, beyond the protection of Soochow and Shanghai.[61] The Futai, conscious of the difficulty of his position, was relieved to hear that Gordon would continue to command the force, even though it was to remain inactive.[62] Gordon himself had other views: that Chen's army should be attacked and effectively neutralised; that the Chinese government should be required to degrade the Futai; that the Futai should be forcibly deposed and his office administered by a commission of Chinese [63]—but these proposals remained merely the expression of the anger of a Christian gentleman and an English officer at an act of Asiatic barbarity with which his name had been connected.[64]

§ 15. The Chinese government rewarded liberally the principal actors in the recapture of Soochow. On Li Hung-chang was conferred the military distinction of the Yellow Jacket and the civil distinction of Junior Guardian to the heir apparent; and on Chen Siao-ki the Yellow Jacket and a minor hereditary title; while "General Gordon in his active co-operation has shown extraordinary valour, and we therefore reward him with a decoration of the first class and the sum of ten thousand taels to evince our desire to encourage merit." [65] Under the impression that it was a gratuity from the provincial authori-

[61] Gen. Brown to Sir F. Bruce, Dec. 17th, 1863, Papers rel. Aff. China, 1864, p. 194.

[62] Memorandum by Mr. Mayers in Sir F. Bruce to Earl Russell, Feb. 12th, 1864, Corr. rel. Lt.-Col. Gordon's position in the Chinese Service, 1864, p. 12.

[63] North-China Herald, June 18th, 1864.

[64] Blue-books passim; North-China Herald, passim; Boulger, "Life of Gordon"; Boulger, "Halliday Macartney"; Douglas, "Li Hung-chang"; Mrs. Arch. Little, "Li Hung-chang"; Wilson, "Ever-victorious Army"; Mossman, "General Gordon"; S. W. Williams, "Middle Kingdom"; Bland, "Li Hung-chang."

[65] Imperial decree in North-China Herald, Feb. 6th, 1864

ties,[66] Gordon refused to accept the money, thus effectually silencing any suggestion that he was a "mercenary soldier." The consular body [67] and the mercantile community [68] at Shanghai heartily approved of Gordon's wrath and the action he took in consequence. The opinion of the British military authorities is indicated in the preceding paragraph. The British envoy informed Prince Kung that Major Gordon must be "relieved from any communication with Governor Li [69]"; and, in writing to Gordon, he declared that "it is clear that no officer of character can serve under him [Li], and I have informed the government that you can hold no communication with him, or in any way be under his orders." At the same time he bore in mind the wider interests involved; urged Gordon to "avoid any collision with the Chinese authorities" and to retain his command provisionally, in order to hold the force together; and closed his despatch with these weighty words: "Keep the force from deserting and preserve Shanghai. These are the two cardinal points of which every one will approve. Act upon no instructions from home incompatible with these objects without consulting me." [70] The opinion of the British government is seen in the promotion of Gordon to Lieut.-Colonel of Engineers, and in the repeal of two Orders in Council, one of August 30th, 1862, sanctioning enlistments for the Lay-Osborn fleet, the other of January 9th, 1863, authorising army officers to enter the Chinese service—"The repeal . . . of the second is intended to mark the dissatisfaction of her Majesty's government at the conduct of the Chinese authorities on

[66] R. A. Jamieson, "Retrospect of Events, 1861-1864."—*Journal N.C.B.R. Asiatic Society*, 1864.

"At this time it came to my knowledge that his means were at a low ebb, in consequence of having assisted some of his officers, who were hard up."—Mossman, "General Gordon," p. 257.

[67] On Dec. 16th at a meeting of consuls a resolution was passed condemning the execution as an "act of extreme treachery abhorrent to human nature."—*Papers rel. Aff. China*, 1864, p. 192.

[68] "We regret exceedingly to learn that Major Gordon has determined again to take the field, without waiting until a reply has been received from Sir F. Bruce to the representations made regarding the conduct of the Futai towards the rebel wangs."—*North-China Herald*, Feb. 13th, 1864.

[69] Sir F. Bruce to Prince Kung, Feb. 10th, 1864, *Corr. rel. Gordon's position*, 1864, p. 15.

[70] Sir F. Bruce to Major Gordon, Jan. 25th, 1861, *ibid.*, p. 6.

the capture of Soochow.”[71] Stern condemnation of the execution of the Taiping wangs was as inevitable to the Western mind as justification of the act was to the Chinese mind.

§ 16. Before Sir F. Bruce’s letter could reach Major Gordon in those days of slow communication,[72] the latter had himself seen the dangers to which the envoy referred, and was fully alive to the necessity of averting them. Li Hung-chang, too, acted prudently: he made no demand for immediate action, or even immediate decision; he issued promptly the funds required for the support of the force which had been withdrawn from his control; and he provided a sum of \$20,000 for the benefit of the wounded among the force. These acts softened the wrath of Gordon, who was keenly solicitous for the welfare of the men under his command, and who knew, better than others, the danger that might arise from disaffection in the force; for the “Ever-victorious Army” was again in a mutinous state, not this time against its commander, but in strong partisanship for one who had conquered their respect and who had been treated with even greater indignity than Burgevine. Gordon was impressed by this danger, and by the further danger from disaffection among the disorderly element, chiefly Cantonese, at Shanghai [73]; and at the psychical moment, on January 30th, Mr. Robert Hart went to Gordon’s headquarters at Kunshan and proposed a *modus vivendi* which was acceptable to all parties.[74] Gordon accord-

[71] Earl Russell to Sir F. Bruce, March 8th, 1864, Papers rel. Aff. China, 1864, p. 198.

[72] Gen. Brown’s despatch of Dec. 17th reached Sir F. Bruce on Jan. 20th.

[73] Mr. Hart to Sir F. Bruce, Feb. 6th, 1864, Corr. rel. Gordon’s position, 1864, p. 25; Gen. Brown to War Office, March 31st, 1864, *ibid.*, p. 20; North-China Herald, March 18th, 1865.

Gordon was compelled to dismiss sixteen officers, including Col. Brennan, from the force.—Narrative of events, Dec.—March, Corr. rel. Gordon’s position, 1864, p. 20.

[74] Mr. Hart to Sir F. Bruce, Feb. 6th, 1864, *ubi sup.*

“I went to Soochow a fortnight ago, and saw the Footai: I afterwards saw Gordon. I then went with Gordon, and we saw the Footai in company. Gordon has again, I am glad to say, taken the field. I am convinced the Footai’s act in beheading the Wangs was not one of premeditated treachery.”—R. Hart to C. Hannen, Shanghai, Feb. 20th, 1864.

Among other things it was arranged that a qualified interpreter should

ingly, with the full assent of all concerned,[75] resolved on public grounds to overlook his private wrongs, and took the field at the end of February. During the interregnum the cities of Wusih, Kiashan, Pinghu, Haining and Chapu had been abandoned by the Taipings; and the fall of Soochow had driven a wedge between their forces in the north, based on Nanking and Changchow, and those in the south, based on Hangchow and Kashing.

§ 17. On February 29th Gordon and his force marched from Wusih, on March 1st Ihing (Yesing, Neeshin), north-west of the Taihu Lake, was taken by assault, and on March 9th Liyang, north of Ihing, was surrendered. These acquisitions brought the force in military touch with Tseng Kwo-fan, who was operating against Nanking, and put over 20,000 Taiping soldiers as prisoners in the hands of the imperial officers. "The whole country was found to be ravaged and desolate, and the inhabitants reduced to feed on human flesh"[76]; "the country was reduced to a mere desert, the villages totally uninhabited, and their vicinity strewn with the bleached skeletons of their former inhabitants."[77] Gordon then marched north and, on March 20th, assaulted Kintan without success; a second assault was also repulsed; and so was a third, led in person by Gordon, who received a wound in the leg. The force then retired to Liyang, and at the end of March took up a position twelve miles north of Wusih.

§ 18. While the Taiping territory was thus cut in two, operations were in progress against the positions held in the south. General Chen conducted those directed against Kashing, provided only with his own troops, except for the aid given by Colonel Bailey, lent by Gordon for instruction in the use of artillery. The defence of Kashing was conducted by the Ting Wang. At the end

be attached to Gordon's staff. Mr. H. E. Hobson of the customs service was accordingly detached by Mr. Hart, and served as Gordon's interpreter at interviews with Li Hung-chang and other Chinese officials until the close of the campaign.—Personal statement in 1914 by Mr. H. E. Hobson to author.

[75] Gen. Brown to War Office, March 31st, 1864; Sir F. Bruce to Major Gordon, March 12th, 1864; Corr. rel. Gordon's position, 1864, pp. 20, 22.

[76] Narrative of events, Dec.-March, *ibid.*, p. 20.

[77] *Ibid.*, March 9-24th, *ibid.*, p. 31.

of January he offered to surrender the city, but the offer could not be accepted as the Ting Wang, with the fate of the Soochow wangs fresh in his mind, demanded some solid guarantee for his own safety.[78] The covering positions having been taken one after another, Kashing was assaulted on March 10th, but unsuccessfully. The attack was renewed on the 17th, and daily until the 20th, when the city was captured, Chen receiving in the final assault a mortal wound. For this reason and because of the desperate resistance, the victors gave no quarter and a general massacre followed.[79] The siege of Hangchow was conducted for several months by Tso Tsung-tang, with Chinese troops, but in February a Franco-Chinese force under Aiguebelle joined his camp. An assault on March 9th was repulsed, as was one on the 12th. A breach having been declared practicable, a premature assault on the 29th was made without success by the Franco-Chinese force alone; but on March 31st a final assault by the combined forces restored Hangchow to the imperial rule. Early in April Tanyang was abandoned by the Taiping forces, which then held only Nanking, Changchow and Kintan in Kiangsu, and Huchow and Changhing, south of the Taihu Lake, in Chekiang. Kintan was abandoned April 25th.

§ 19. A large Taiping force, between 20,000 and 30,000, was in a position at Hwaishu (Waisoo, Hwaso), where they were threatened from the north-west by Kiangyin, from the north by the imperial fleet on the Yangtze, from the east by a force under Kwo Sung-ling, from the south-east by the "Ever-victorious Army," while on the south and west were other imperial troops. On March 31st Gordon detached a force to attack this position, but it was repulsed with the loss of 300 men; on April 11th a force made up of Gordon's men, led by himself, and 8000 imperial troops delivered a fresh attack which drove the rebels in headlong rout, with the loss of 3000 killed.[80] Gordon was now free to undertake

[78] North-China Herald, Jan. 30th, 1864.

[79] The Ting Wang was killed in the assault, the Jung Wang was beheaded, the "rebels were all executed."—Memorial of Li Hung-chang in Peking Gazette, April 30th, 1864, North-China Herald, May 28th, 1864.

[80] Gordon's private diary; Narrative of operations to April 11th, Corr. rel. Gordon's position, 1864, p. 34.

the siege of Changchow in conjunction with an army led by Li Hung-chang, and took the outlying defences on April 23rd. A breach having been made in the walls, an assault was made on the 27th and repulsed with heavy loss. Engineering approaches were then made, and on May 11th the city was taken by assault with a loss to Gordon's force of 50 killed and 279 wounded.

§ 20. With the capture of Changchow Gordon's task was ended and the mission of his force completed. The instructions consequent on the repeal of the Order in Council of January 9th, 1863,[81] had reached Shanghai, and the English officers detached for service with Gordon were notified that they must return to the colours not later than June 1st. On the Chinese side the dangers possible from a body of trained soldiers devoted to their leader, and that leader one not inspired by Gordon's high sense of the obligations of honour and duty, led Li Hung-chang to decide to disband the force. Gordon accordingly led the "Ever-victorious Army" from Changchow back to Kunshan and there disbanded it, being provided with funds to give each foreign officer a substantial gratuity and each soldier a month's pay and money sufficient to take him back to his home.[82] Gordon for himself again refused to accept the reward of Tls. 10,000 which had once before been refused; but by imperial decree of May 19th he was promoted from tsungping, general of volunteers, to titu, major-general in the Chinese army [83]; and in a further decree of June 14th the emperor conferred on him the distinctions of the Yellow Jacket and the Peacock's Feather. The "Ever-victorious Army" returned to civil life without disorder. Ward was a great organiser of victory and an inspiring leader; Gordon had shown himself *chevalier sans peur et sans reproche*; and the force they led, often petulant, sometimes mutinous, was yet worthy of its commanders. Of the foreign officers of the Ever-victorious Army 48 were killed, 73 were

[81] Cf. ante, §§ 4, 15.

[82] Colonels of regiments and officers wounded received \$4000.—Wilson, "Ever-victorious Army," p. 245.

[83] Cf. chap. iv, § 12. Gordon's colleague, Li Heng-sung (cf. § 2, 1°) was also promoted to the rank of titu.

wounded and 130 were mustered out [84]; while in its three years of existence—two and a half years of active campaigning—the force had fought nearly a hundred battles, with only three or four defeats, had captured upwards of fifty walled cities, and had stemmed the tide of rebellion, a task of which the imperial troops were, by their own effort, quite incapable.

§ 21. With the fall of Hangchow in the south and Soochow and Changchow in the north, the Taiping forces were driven to their last defences in Nanking, and here the Loyal Prince made his final stand for his sovereign, the Tien Wang. This siege was conducted by Tseng Kwo-fan's forces without foreign aid [85]—the Chinese empire was here to work out its own salvation. By June 1st the close investment was completed. On June 30th the Tien Wang committed suicide. On July 8th the Loyal Prince made a sortie in force, but was driven back after sharp fighting. Finally a mine was fired and the wall breached, and, after two days' fighting, on July 19th the old southern capital of the empire was cleansed with blood and fire from its defilement during eleven years. The Loyal Prince succeeded in escaping; but, loyal to the end, he mounted the son of the Tien Wang on his stout charger and took a sorry nag for himself. Through this act of self-denial he was taken prisoner; and, after being given time to write his personal memoirs, [86] was beheaded, but without previous torture. The emperor was profuse in his rewards for suppressing the rebellion. Tseng Kwo-fan was appointed Senior Guardian of the heir apparent and created marquis; his brother, Tseng Kwo-tsueh, was made Junior Guardian and earl; Li Chen-tien, titular command of the besieging force, was created viscount and given the Yellow Jacket; and Hsiao Fu-sze, general of volunteers, the first to pass into Nanking, was created baron. At the same time Li Hung-chang was created earl.

§ 22. Changhing was evacuated on July 4th, and,

[84] Montalto de Jesus, "Historic Shanghai," p. 204. See also end of chapter.

[85] Except the aid of the artillery from the "Ever-victorious Army."
—Wilson, *op. cit.*, p. 322.

[86] These memoirs, of about 55,000 words, were completed in eight days.

after the fall of Nanking, the only organised body of Taipings was that occupying Huchow. A body of imperial troops supported by a force of the Franco-Chinese contingent operated against this city. Early in August an assault was delivered against its walls, but it was repulsed with the loss of six foreign officers and 800 Chinese soldiers killed.[87] The city was then regularly invested and, on August 28th, was evacuated by its garrison and occupied by the besiegers.[88] The Franco-Chinese contingent was then, in its turn, disbanded; on its commander, P. A. Neveue d'Aiguebelle, was conferred the brevet rank of titu and the distinction of the Yellow Jacket, and on Prosper Giquel the rank of tsungping. The last scene of all was in Changchowfu, near Amoy, where a few Taiping soldiers had taken refuge. They were there besieged from the end of 1864 [89]; and with their capture, and that of Burgevine with them, in May 1865,[90] the last embers of the Taiping conflagration were extinguished. The rebellion had devastated a dozen provinces, with an area equal to that of western and central Europe; it had directly killed, in battle, by outrage and massacre, and by famine, twenty millions [91] of human beings; it had reduced the country to extreme poverty and brought the dynasty near to extinction; and from this, the candid historian must admit, China had been rescued mainly by foreign aid, given grudgingly in 1860, but with no sparing hand in the years 1862 and 1863—an aid given because it served the interests of Western nations, but none the less helpful to the government and people of China.

After the disbandment of the "Ever-victorious Army," Li Hung-chang made a grant of \$1500 for erecting memorials to those who had died in the service of China. Memorials were erected at Sungkiang, Kunshan and Shanghai.[92] The Shanghai memorial stands at the entrance to the public garden, and bears the following inscription:

[87] North-China Herald, Aug. 13th, 1864.

[88] Mossman, "General Gordon," p. 273.

[89] North-China Herald, Dec. 24th, 1864.

[90] Ibid., May 27th, 1865.

[91] S. W. Williams, "Middle Kingdom," ii, p. 624.

[92] North-China Herald, Aug. 25th, 1866.

IN MEMORY OF THE OFFICERS OF THE EVER-VICTORIOUS
ARMY WHO WERE KILLED IN ACTION AND DIED OF
WOUNDS WHILE SERVING AGAINST THE TAIPIING REBELS
IN THE PROVINCE OF KIANGSU, A.D. 1862-64

Staff . . .	GEN. WARD, Soochae.
Artillery . . .	COL. TAPP, Changchow.
	CAPT. RHODES, Changchow.
	CAPT. FITZGERALD, Soonkiang.
	LIEUT. JONES, Soochow.
	LIEUT. CHOWNE, Changchow.
	LIEUT. BROWNE, Changchow.
1st Regiment . . .	CAPT. MAUNDERS, Taitsan.
	CAPT. McLEOD, Taitsan.
	CAPT. DONALD, Kintang.
	LIEUT. GREENLAW, Changchow.
2nd Regiment . . .	MAJOR FOOT, Kintang.
	CAPT. WILEY, Soochow.
	CAPT. MAULE, Soochow.
	CAPT. BENNING, Kintang.
	LIEUT. KING, Soochow.
	MAJOR TARTALL, Chingpoo.
	CAPT. SMITH, Sunkiang.
	CAPT. HARRIS, Chingpoo.
	CAPT. McCLENNAN, Chingpoo.
3rd Regiment . . .	LIEUT.-COL. MORTON, Changchow.
	CAPT. NEIL MURRAY, Taitsan.
	CAPT. SMITH, Changchow.
	LIEUT. GIBB, Changchow.
4th Regiment . . .	CAPT. MCCARTHY, Taitsan.
	CAPT. PERRY, Lukow.
	CAPT. CHRISTIE, Soochow.
	CAPT. BANNON, Taitsan.
	CAPT. CHERIKOFF, Hwaso.
	CAPT. MURPHY, Changchow.
	LIEUT. BOSWORTH, Taitsan.
	LIEUT. AGAR, Soochow.
	LIEUT. ROBINSON, Changchow.
	LIEUT. HERZOG, Neeshin.
	LIEUT. HUGHES, Hwaso.
	CAPT. POSSON, Hwaso.
5th Regiment . . .	LIEUT.-COL. CHAPMAN, Changchow.
	MAJOR GIBB, Wantee.
	CAPT. BELCHER, Fooshan.
	CAPT. GRAVES, Hwaso.
	LIEUT. CARROLL, Soochow.
	LIEUT. WILLIAMS, Soochow.
	LIEUT. GLANCEFIELD, Soochow.
6th Regiment . . .	CAPT. GIBBON, Hwaso.
	CAPT. DOWLING, Hwaso.
	CAPT. PRATT, Hwaso.
Rifles . . .	MAJOR CRONAN, Sunkiang.
	CAPT. KELTHY, Fooshan.

CHAPTER VI

THE CO-OPERATIVE POLICY. THE SHANGHAI MUNICIPALITY

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§ 1. THE suppression of the Taiping rebellion was followed by a period of exhaustion, marked by wide-spread disturbances, amounting to rebellion, in various parts of the empire—the Nienfei in Shantung and Honan,[1] the

[1] "When at the [Tsungli] Yamen yesterday, I was informed that the whole body of Nienfei who have been roaming about and committing so many depredations in the provinces of Shantung, Honan and Anhwei for the last five or six years, is now in that part of the province of Chihli,

Panthay rebellion in Yunnan, and the Mohammedan rebellion in the north-west, the last lingering on for many years. These had only a slight effect on the international relations of the empire; but it is worthy of record that the ruthless and indiscriminate massacres which occurred in the suppression of the rebellion in Yunnan are supposed to have revived the bubonic plague, formerly so well known, but in recent centuries lost to the experience of the Western world. Revived in Yunnan and known only there at the outset, it devastated Mengtze with annual visitations for some years, but spread no further down the frequented trade route of the Red River into Tongking. In time, however, it found an outlet via Poseh down the West River into Kwangsi, and was observed at Pakhoi in 1879 and later years, but for some time its real nature was not credited.[2] Finally, however, it broke out and in 1893 obtained a firm hold on Hongkong; thence it spread to Bombay, and in the succeeding twenty years has become endemic in British India, slaying its millions.

which is bounded on the south by the Yellow and Tatsing Rivers, on the west by the Grand Canal, on the east by the sea, and on the north by the waters with which the Tientsin authorities have flooded the country to the south of the Peiho. The fighting men, taking the largest estimate, do not exceed ten thousand in number, and although many of them carry guns and pistols, they are almost entirely without percussion caps and powder. The imperial troops are posted at various places on the Grand Canal, and the arrangements that are being made are of a kind which it is hoped will result in the complete destruction of the band of marauders on the ground now occupied by them. . . . The *Confucius* and *Pluto* have been ordered from Shanghai to cruise along the coast and prevent all communication with the Nienfei from the sea, and the *Elfin* has likewise been sent for to move on the Grand Canal and prevent supplies from reaching them by that channel."—R. Hart to G. Hughes [commr. at Tientsin], May 25th, 1868.

[2] The truth was not realised even by so experienced an observer as Sir Robert Hart, who was in a position to collate information and warnings on many subjects received from all quarters. "When the medical reports go to you for printing, look into the Pakhoi one especially. There is, you know, every few years there something which somebody took to calling 'The Plague': it is a sickness which carries off very many of those attacked, but it appears to be a local sickness, and caused by the filth of the place—sea-water, river water, mud, sunshine, etc., etc., etc., operating together. People living out of the village are not attacked by it, and foreigners so far have not suffered from it. Well: what I want done is this—strike out the expression 'The Plague' and call it something of this kind—'a malady,' or 'sickness peculiar to the place.' If we publish this disease as the plague, we shall frighten the public unnecessarily."—R. H. to E. B. Drew (Statistical Secretary), Sept. 30th, 1882.

§ 2. During the Taiping rebellion and immediately after the government at Peking was in a helpless condition. Even after the *coup d'état*, it had no effective control over the provinces: many of them were not under its authority, and in the others it could degrade or decapitate a governor or a general, but could not enforce its orders. The provincial officials, deprived of their customary emoluments and driven to increased expenditure, performed none of the ordinary functions of government and paid only scanty attention to the orders they received; and local administration everywhere was in a state of inefficiency and anarchy. The first duty of an organised government is the protection of industry and trade, and the protection of foreign trade was a duty especially incumbent on the Chinese government under the treaties which had been imposed upon it as the result of twenty-five years of conflict. This duty was neglected; it could not be performed by the central administration, and it was systematically neglected by the provincial authorities. The foreign merchants were therefore driven to protect, and they took the opportunity to extend, their trade and the many privileges which had been granted to them; and this protection and extension were effected, partly by their own organised efforts, partly by the representatives of their own governments. At the treaty ports, in particular, their consuls were generally in full sympathy with the aspirations of the merchants.

§ 3. From the diplomatic representatives in Peking, however, the Chinese government obtained help in many ways. They did not neglect their primary duty of holding the Chinese to a proper execution of treaty stipulations and of protecting the national interests committed to their charge; but they held it also to be their duty to instruct the ministers of the Chinese empire, inexperienced in their novel international relations, and to give them advice which was honestly meant to be, and was actually, for the best interest of China. Lord Elgin, while regretting that he must deal harshly with the Chinese ministers, had at the same time declared "I have been China's friend in all this [3]"; and his brother, Sir F. Bruce, the first British envoy resident in Peking, was in full sympathy

[3] Cf. "Conflict," chap. xxiv, § 2.

with this sentiment. Mr. Secretary Seward had enunciated the doctrine of "consultation and co-operation"; and Mr. Burlingame interpreted his instructions in such a way as to provide the Chinese authorities with a friendly council, whose advice and help were always at their service. The Russian envoy, General de Balluseck, at once declared that "Russia did not desire [further?] to menace the territorial integrity of China," and that he was "but too happy to co-operate in a policy that would engraft Western upon Eastern civilisation." [4] The French legation was, during 1862 and part of 1863, under a *chargé d'affaires*, who preferred to take isolated action; one such case was that of the murder of a French priest in Kweichow, in which he failed to obtain redress. The newly appointed envoy, M. Berthemy, arrived at his post in 1863. "Being a broad and experienced statesman, he at once saw the advantage that would flow from the casting down of all jealousies, and by a co-operation on every material question in China. . . . He frankly communicated the facts [of the Kweichow murder] to his colleagues, who made common cause with him, and in a few weeks this question, menacing war under other arrangements, was settled." [5]

§ 4. The Prussian treaty deferred for five years the exercise of the right to establish a permanent legation in Peking. In June 1863 Prince von Sayn Wittgenstein-Berleburg, who had been left in charge of Prussian and other German interests, consulted the foreign envoys on the subject of his desire to establish the legation in Peking at once; but they agreed in advising him not to raise the question at that time, but to wait in full expectation that "in a short time the Chinese themselves will concur in the propriety of anticipating the time for the permanent residence of a Prussian minister at Peking." [6] A new envoy, Herr von Rehfues, arriving in May 1864, came up to Peking, but left in June without having had his official visit returned by Prince Kung.

§ 5. The Portuguese authorities had remained for

[4] Mr. Burlingame to Mr. Seward, June 30th, 1863, U.S. For. Rel. 1863, ii, p. 859.

[5] *Ibid.*

[6] Prince Wittgenstein to Mr. Burlingame, June 30th; Mr. Burlingame to Prince Wittgenstein, July 1st, 1863; U.S. For. Rel. 1863, ii, p. 879.

three centuries domiciled in Macao, and had there conducted their trade and had acted as hosts to the traders of other nations, but under the complete jurisdiction, judicial and fiscal, of the Chinese government.[7] In 1849, availing himself of the strained relations between England and China, the Portuguese governor ejected the Chinese customs from Macao, and declared the port to be under the sole jurisdiction of Portugal; he was assassinated, but China lost her control over Macao.[8] In 1862 Portugal again seized the opportunity when the power of the Chinese government was reduced to a low ebb, and dispatched an envoy, Isodoro Francisco Guimarães, to negotiate a treaty. After prolonged negotiation a treaty was signed at Tientsin on August 13th, China being represented by Hangki, formerly Hoppo at Canton, now a member of the Tsungli Yamen,[9] and Chunghow, Superintendent of Trade for the northern ports. By this treaty [10] Portugal obtained specifically all the privileges contained in the four treaties of 1858; it contained a "most-favoured nation" clause [11]; and it provided an excellent mode of settling questions of interpretation of the treaty, by the arbitration of envoys of friendly powers.[12] But it provided [13] for the recognition of the *status quo* in Macao—"henceforth the present treaty . . . will serve as the only valid regulation of the said relations"—and this was fatal. Two years were allowed for the exchange of ratifications [14]; before that time had elapsed the Chinese government had recovered its poise, and ratification was refused.

§ 6. In 1863 treaties were signed at Tientsin with Denmark on July 13th, and with the Netherlands on

[7] Cf. "Conflict," chap. iii, §§ 4, 5, 6; chap. v, §§ 9, 14, 28; chap. viii, § 7; chap. xii, §§ 3, 18.

[8] Cf. "Conflict," chap. xii, §§ 18-23.

[9] It was Hangki who saved the lives of Mr. Parkes and Mr. Loch in 1860; "Conflict," chap. xxvi, § 14. When, during these years, small indemnities were payable as compensation to foreign claimants, the money was found by Hangki; personal statement of (Sir) John McLeavy Brown, then interpreter in the British legation. Cf. "Conflict," chap. i, § 17.

[10] Treaties, ii, p. 987.

[11] Port. tr. Tientsin, 1862, art. lii.

[12] Ibid., art. liii.

[13] Ibid., art. ii.

[14] Ibid., art. liv.

October 6th. Each contained a specific grant of all the privileges of the treaties signed in 1858, and in each was a "most-favoured nation" clause.[15] To the Danish treaty were appended the rules of trade of the treaties of 1858, but with the omission of the clause [16] prohibiting the export of pulse and beancake from Newchwang and Tengchow (Chefoo). The privilege thus granted accrued at once to the merchants and ships of all nations. In 1869 the Chinese government held that the prohibition was still in force for shipments from these ports direct to foreign countries, but, on a protest being made, it receded from the position taken.[17] The Danish envoy, Colonel Waldemar von Raaslöff, was greatly aided by the co-operative policy of the diplomatic body. He was dissatisfied with his position in being relegated to Tientsin and came on to Peking, much to the vexation of Prince Kung; but the matter was settled by the friendly offices of Mr. Burlingame and Sir F. Bruce,[18] to both of whom he had been personally recommended by their respective governments. They represented to Prince Kung that Colonel Raaslöff had come to Peking as their guest, but they advised the envoy to conduct his negotiations at Tientsin, on the understanding that the Chinese offer of "the Belgian treaty [19] and nothing else" should be withdrawn. Colonel Raaslöff made full acknowledgment of the help he had received from "the foreign legations, which all warmly supported him," and from "Mr. Hart, of the foreign customs, to whom the Chinese left the arrangement of the new clauses." [20]

§ 7. It was more in their relations with each other that the co-operative policy of the resident envoys produced good results. Immediately after the capture of Ningpo by the Taiping forces in December 1861, the British and American consuls, the only consuls resident there, subscribed to a formal agreement by which, "in

[15] Dan. tr. Tientsin, 1863, art. liv; Neth. tr. Tientsin, 1863, art. xv.

[16] Rule v. 4°; Treaties, i, p. 233.

[17] Customs archives.

[18] Mr. Burlingame to Mr. Seward, May 16th, 1863, U.S. For. Rel., 1863, ii, p. 857.

[19] Cf. "Conflict," chap. xii, § 13.

[20] Mr. Burlingame to Mr. Seward, July 10th, 1863, U.S. For. Rel., 1863, ii, p. 880.

the absence of any imperial authority," an area outside the city was set aside for general foreign residence and trade, and was to be protected from all interference [21]; and this agreement, confirmed at a second conference held on May 31st, 1862, after the recapture of the city by Captain Dew, was approved by the two envoys concerned.[22] In this area, during the Taiping occupation of Ningpo, foreign trade was conducted undisturbed, American missionaries lived in peace, and 70,000 Chinese refugees found shelter. In August, in the midst of the campaign which began at Yüyao and ended at Fenghwa,[23] the French consul at Shanghai, having jurisdiction at Ningpo, preferred a claim for a separate concession embracing the greater part of the area previously neutralised as a general settlement.[24] Mr. Burlingame protested against this step, "on the broad ground that any concession of territory would be an abridgment of our [American] treaty rights; that it was our right to buy and sell and live in any part of any treaty port; and that any such concession would infringe that right." He found the Chinese ministers quite in agreement with his views, and that these views accorded with those of the British and Russian representatives; and, on the arrival of the French envoy, he too concurred, so that "we are now, on this most important question, in perfect agreement, and this agreement is a guarantee of the territorial integrity of the Chinese empire." [25]

§ 8. This action of the French authorities at Ningpo followed closely on similar action at Shanghai. There at one time there seemed a fair prospect that all the foreign interests might have been united under one municipal administration [26]; but a separatist tendency was soon developed, occasioned mainly by a fear lest the unimportant French interests should be overshadowed by the pre-

[21] Minutes of conference, Jan. 13th, 1862, U.S. For. Rel., 1863, ii, p. 853.

[22] Mr. Mangum to Mr. Burlingame, Sept. 4th, 1862, *ibid.*, p. 852.

[23] Cf. chap. iv, § 13.

[24] M. Edan to Ningpo Taotai, Aug. 17th, 1862; Mr. Mangum to Mr. Burlingame, Sept. 4th, 1862, *ubi sup.*

[25] Mr. Burlingame to Mr. Seward, April 18th, 1863, *ibid.*, p. 851; Sir F. Bruce to Earl Russell, April 30th, 1863, Papers rel. Aff. China, 1864, p. 93.

[26] Cf. "Conflict," chap. xiii, §§ 6, 9.

dominance of British and American trade.[27] It was then considered necessary to preserve this national interest, and on May 13th the municipal council of the Concession Française was formed, all its decisions being subject to the approval or veto of the French consul.[28] The British consul protested against this measure "as it is entirely opposed to the Shanghai Land Regulations agreed to by the treaty powers and never since modified or withdrawn,"[29] but the protest was disregarded. The foreign trade of Shanghai was entirely in the English settlement, and the resources of the new French municipality were small; in 1865 the budget provided for a total income of Tls. 103,000 from taxation, of which Tls. 48,000 were the proceeds from licences for opium divans, brothels and gambling houses[30]—the last two of which were not licensed or taxed in the other settlement.[31]

§ 9. In the English settlement the municipal council had begun as a committee to provide roads, jetties and police supervision,[32] and its only aim was to secure the amenities which should make the reserved area a safe and agreeable place of residence for foreign merchants; and, by the action of the American consul in 1848, a successful protest was made against the exclusive jurisdiction

[27] "The inconveniences that I find in this unity of governments, of which the most immediate is that of translating itself into a single and unique influence which absorbs the other two."—M. Edan to Mr. Mangum, Aug. 18th, 1862, U.S. For. Rel., 1863, ii, p. 854.

[28] M. Edan (French consul) to Mr. Medhurst (British consul), May 13th, 1862, North-China Herald, May 24th, 1862.

[29] Mr. Medhurst to M. Edan, May 15th, 1862, *ibid.* The Land Regulations of 1854 were approved and promulgated by the consuls of the three treaty powers. Cf. "Conflict," chap. xiii, § 9.

[30] North-China Herald, May 13th, 1865.

[31] "They [the municipal council] imagined that they might raise a large revenue from vice, but I have opposed this. One section, gambling shops, I want to suppress; another, brothels, I object to see licensed; and they have accordingly had to forego 150,000 taels from these two sources."—Letter of Sir H. Parkes, Aug. 19th, 1864, Lane-Poole, "Life of Parkes," i, p. 485.

Gambling houses were suppressed on the international settlement in December 1864 by a minute communicated to the *two municipal councils* and signed by ten consuls, all the consuls resident in Shanghai except the French.—North-China Herald, April 15th, 1865.

Those on the French settlement were closed in June 1865.—*Ibid.*, June 17th, 1865.

[32] Cf. "Conflict," chap. xiii, §§ 8, 9.

of the British consul.[33] It was intended by all that residence in this area should be reserved for foreigners, with the addition of such Chinese only as belonged to their business offices and households; but this intention was defeated by the influx of Chinese refugees on the capture of the city of Shanghai in September 1853,[34] for whom common humanity demanded that space should be allowed. This imposed on the municipal council a burden of duties in providing police and sanitary supervision, though a strong feeling existed in the community that these should be provided by the Chinese authorities [35]; and the council was driven to impose taxation, without representation, on the Chinese resident within the settlement, while police jurisdiction over those Chinese was exercised by the foreign consuls. When the country around Shanghai was over-run and ravaged by the Taiping troops in the years 1860-63, the city and settlements, protected by the British and French naval and military forces, provided the only safe refuge, and thither the Chinese flocked, until at the end of 1862 the entire population of Shanghai was estimated at 1,500,000 [36]; and in the 470 acres of the English settlement it was authoritatively declared that there were at least 500,000 Chinese, all of whom had to be policed, protected and fed.[37] This situation was not altogether agreeable to the foreign residents and their elected representatives [38]; but it

[33] Cf. "Conflict," chap. xiii, § 5.

[34] Ibid., chap. xiii, § 10.

[35] Ibid., chap. xviii, § 7 and n. 15.

[36] Sir F. Bruce to Earl Russell, April 30th, 1863, Papers rel. Aff. China, 1864, p. 93.

[37] Cf. *antea*, chap. iv, § 12.

[38] "We don't know whether any one was actually amused at the fire the other night on the Maloo, but we are quite sure that no one was sorry. Of this fact the Chinamen themselves were perfectly aware, not a few of them having expressed their disgust at the behaviour of the foreigners. But the Chinamen mistook the cause of our indifference on that memorable occasion. It was not that the English delighted to see the destruction of house after house by the invincible flames, nor was there any satisfaction derived from the fact that the property under process of destruction was exclusively Chinese. At the last fire on the Maloo the foreigners formed into a band and speedily subdued and conquered the danger; why was it then that so very little exertion was made by the residents during the late fire? It was simply because not a soul standing there was without the well-founded hope that measures would be taken to prevent the Chinese from rebuilding highly dangerous houses on the ground again, nay, some went so far as to trust that the return of

was soon accepted with equanimity as they saw the prospect that Shanghai would become one of the great ports of the world, and especially when they realised the enormous profits to be derived from renting land and houses for the occupation of Chinese; and the foreign community of Shanghai undertook with Western thoroughness the necessary task of providing police and sanitation for the control and benefit of the Chinese living within municipal limits.

§ 10. The American settlement, Hongkew, lay outside these limits. In it were included only the premises of the American (Episcopal) Church mission, the Shanghai Dock, some wharves, and establishments catering for the entertainment of sailors. It was the Cinderella among the settlements, with small taxable resources to provide for the maintenance of order; and the effectiveness of the police control in the wealthy English settlement flooded Hongkew with disorderly characters, for whose supervision there was no proper machinery.[39] We have no record of the number of Chinese living in Hongkew during the course of the rebellion; but at the beginning of 1865, after the great exodus of refugees returning to their

the Chinese would not be permitted at all. But alas for the vanity of human wishes, all these hopes have been rudely dashed to the ground, for the Chinese are rebuilding their houses on the Maloo more dangerous and fragile than ever."—North-China Herald, Oct. 13th, 1860.

"With such trading facilities and the reports spread abroad of fortunate adventures in commerce—contraband as well as legitimate—it was to be expected that there would be a large influx of foreigners into Shanghai; while the Taiping rebel disturbances so rife during the year [1862] caused immense numbers of Chinese refugees to crowd into the Settlement, for safety under foreign protection. The consequences were that the population was trebled, and inconveniently thronged the narrow thoroughfares, which swarmed like a beehive from sunrise to sunset with an industrious throng, every one intent upon business. Where formerly the foreign residences stood in their compounds with plenty of vacant ground, Chinese houses and streets sprung up like magic within the fortified barriers, so that the small concession has assumed the proportions of a large city—thereby increasing the responsibilities of the Municipal Council entrusted with the government of the place."—North-China Herald, Jan. 3rd, 1863.

[39] "We sincerely trust that the American side will, at the next general Meeting of Land Renters, be brought into the municipal system. It is a very incomplete system until it is done, for the arm of the police cannot now cross the Soochow Creek, and the effect of stringent measures for the preservation of order within the Yangkingpang, floods our neighbours with disorderly characters, the effect of whose behaviour re-acts on us."—North-China Herald, June 22, 1861.

homes, when the Chinese population of the English settlement had been reduced to 70,000 and of the French settlement to 47,500, there were still 20,000 in Hongkew.[40] For the control of the large population indicated by the last figure there were in 1861 only six policemen.[41] The Hongkew committee was forced to lean on its stronger neighbour, and on February 26th, 1862, while the Taiping forces were swarming around Shanghai, the Hongkew police was amalgamated with the municipal police, which thereafter exercised supervision on both sides of the Soochow Creek.[42] The movement for one common government over the two settlements was pushed rapidly, the prime mover being Mr. Edward Cunningham of the firm of Russell & Co., strongly supported by Mr. George F. Seward, American consul. The proposal was brought before a meeting of land renters held on March 31st, and was passed unanimously, the chairman (the British consul) expressing the sense of the meeting in declaring that "our efficient police on this side made these limits too hot for the vicious characters found among our large population, who took refuge in that quarter, and it was but fair that we should at least take a share in the expense of keeping order in a locality disturbed by people whom we were instrumental in driving there." [43] The proposal was then referred to the consuls, and was approved by the British, American and French [44]; but the Russian consul, who, as a member of the American firm of Augustine Heard & Co., [45] had signed the demand for amalgamation, while approving the consolidation of the two municipalities, "did not give his assent to the application of the Shanghai land regulations to the Hongkew side, inasmuch as he did not approve of those regulations." [46] This opposition was overcome by the action of the diplomatic co-operative policy, and, the decision having been confirmed by a meeting of land renters held on Septem-

[40] North-China Herald, April 1st, 1865.

[41] Ibid., June 22nd, 1861.

[42] Ibid., Feb. 28th, 1862.

[43] Ibid., April 5th, 1862.

[44] A month only before a separate municipality was set up for the French settlement.

[45] Signatures in North-China Herald, April 5th, 1862.

[46] Mr. Medhurst to chairman municipal council, April 30th, North-China Herald, May 24th, 1862.

ber 21st, 1863,[47] the international settlement of Shanghai north of the Yangkingpang was created.

§ 11. The body of nine English and American merchants who formed the municipal council braced themselves for the task of governing a population which included some hundreds of thousands of Chinese; and, being saddled with duties, began to consider how they might obtain the necessary powers. For ten years their community had had no protection given by the Chinese government, and had maintained itself only by the neutrality guarded by the forces of the allied powers; and in the spring of 1862 this protection had been extended to include the country within a radius of thirty miles around Shanghai.[48] The municipal council, on the motion of the defence committee, took the situation as it was and proposed to make it permanent, by making Shanghai a free city, governed by its own officers under the protectorate of the treaty powers. The British consul, as senior consul, warned the council that

“the plan proposed is one which the land-renters cannot legitimately adopt, seeing that the territory belongs to the emperor of China, who merely accords to the foreign powers, that have entered into treaties with himself, an extraterritorial jurisdiction over their own citizens resident at this port, but retains for himself all authority over his own territory and subjects. The present system may be extended and improved upon . . . by clothing the council with authority derived from the emperor . . . but even this cannot be effected without the consent of the ministers of the treaty powers, supported by the concurrence of the Chinese authorities.”[49]

§ 12. The British envoy was even stronger in his condemnation of the proposal, declaring that the “English concession at Shanghai was neither a transfer nor a lease of the land in question to the British crown . . . the land so acquired remains Chinese territory.” Adverting then to the change in the situation due to the action of the foreign merchants themselves in allowing the Chinese to settle in the reserved area and occupy houses for which they paid high rents, he summed up the situation thus :

[47] North-China Herald, Sept. 26th, 1863.

[48] Cf. chap. iv, § 10.

[49] Municipal council to Mr. Medhurst, July 9th, 26th; Mr. Medhurst to municipal council, July 15th; North-China Herald, Aug. 7th, 1862.

"It is my duty to remind you that the Chinese government has never formally abandoned its rights over its own subjects, nor has Her Majesty's government ever claimed or expressed any desire to exercise a protectorate over them. The only case in which, consistently with the principles laid down for the guidance of Her Majesty's authorities in this country, the consul has a right to interfere, is where the Chinese is in the employ of a British firm, and where there is reason for believing that the arrest of the Chinese servant is an outrage through him on his employer. But it is the interest of the British subject, and not the Chinaman, which is protected. I do not understand what interest Her Majesty's Government has in lending itself to a system which is unjustifiable in principle, which would be attended with endless embarrassment and responsibility, and which the Chinese government would never submit to willingly. Great Britain has no interest except in providing a secure place for British trading establishments; and whatever inconveniences may arise from the conversion of the settlement into a Chinese town, I do not think that Her Majesty's government will be induced to seek a remedy for them by extending its jurisdiction over a large section of the Chinese population. Because we protect Shanghai from falling a prey to a horde of brigands, it does not follow that we are prepared to interfere with the natural relation of the Chinese to their own government." [50]

The opinions thus expressed were in full accord with the views of the other treaty power envoys [51]; and, two years later, the American envoy notes, with disapproval, that "there is a constant tendency on the part of foreigners, in making their municipal arrangements, to aggress upon the rights of the Chinese, and it is necessary constantly to recall them to the safe ground of principle." [52]

§ 13. The matter was taken into consideration at a meeting of land-renters held on March 31st, 1863, and a memorial was sent to the British envoy. It defended the community from the charge of having encouraged the influx of Chinese into the foreign settlements; and, with reference to Chinese jurisdiction over those Chinese, declared that "according to the strict letter of treaties, this may be so; but we consider that practically, and according to the spirit of treaties, it is not so, and that it

[50] Mr. Bruce to Mr. Medhurst, Sept. 8th, 1862, *Further Papers* rel. Rebellion, 1863, p. 87.

[51] Sir F. Bruce to Earl Russell, April 30th, 1863, *Papers* rel. Aff. China, 1864, p. 93; Mr. Burlingame to Mr. Seward, April 18th, 1863, *U.S. For. Rel.*, 1863, ii, p. 851.

[52] Same to same, June 3rd, 1864, *U.S. For. Rel.*, 1864, iii, p. 419.

is of very great importance to the future safety and well-being of this important port that some restrictions be placed upon the actions of the local native authorities within the limits of the foreign settlements." The envoys' decision, however, was accepted, and it was proposed that one municipality should be created, to include, if possible, the English, American and French settlements; that each resident should be subject, in both criminal and civil suits, to the jurisdiction of his own authorities, but that arrests for the Chinese authorities should be made only by the municipal police; that a Chinese element should be introduced into the municipal council, and that no measure affecting Chinese residents should be taken without its consent, but this proposal was contingent on the extension of the scheme to all three settlements; that "territorial jurisdiction should rest solely on grants from the emperor or his representatives"; and that, if necessary to obtain such grants, certain revenues, or a percentage of the revenue, should be paid to the imperial authority.[53]

§ 14. In approving this outline of a scheme of government the foreign envoys laid stress on the conditions attached to it: that territorial authority should be derived directly from the imperial government through the foreign ministers; that such authority should not extend beyond municipal matters, roads, police and taxes for municipal objects; that the Chinese should be under Chinese jurisdiction as much as in the Chinese city; that foreigners should be under the jurisdiction each of his own consul; and that there should be a Chinese element in the administration.[54] They hoped that, in their mutual agreement, they had "laid the foundation of a municipal system for . . . the largest city in the East [55]"; but, in two of the most important subjects, the intentions of the scheme were not carried out. The scheme, formulated by English and American merchants well read in their

[53] Committee of land-renters to Sir F. Bruce, June 12th, 1863, Papers rel. Aff. China, 1864, p. 144; Mr. E. Cunningham to Mr. Burlingame, April 16th, 1863, U.S. For. Rel., 1863, ii, p. 856.

[54] Sir F. Bruce to Shanghai land-renters, Aug. 6th, 1863, Papers rel. Aff. China, 1864, p. 146; Mr. Burlingame to Mr. Cunningham, May 9th, 1863, U.S. For. Rel., 1863, ii, p. 857.

[55] Mr. Burlingame to Mr. Seward, May 15th, 1863, U.S. For. Rel., 1863, ii, p. 856.

own history, recognised that persons who are taxed must be represented in the administration, and that persons who are governed must have a voice in their government, and the admission of a Chinese element was proposed; but, for some reason which has not been recorded, this proposal was made conditional on the inclusion of all three settlements under one administration. This inclusion was eminently desirable, and was fully approved by the foreign envoys,[56] even, it appears, by the French envoy [57]; but the French settlement remained outside the "republic of Shanghai," and the necessary condition for the representation of the Chinese residents was not fulfilled. An attempt was made in the winter of 1905-06 to introduce a Chinese element, but it failed; and at the present day the 488,000 Chinese [58] resident within municipal limits are taxed and governed without representation.

§ 15. Another matter in which the will of the foreign envoys was set at naught was the taxation of the Chinese in the settlements. In July 1862 the Taotai represented the vast expense to which the government was put in protecting Shanghai, and asked permission to impose a poll-tax, which had already been collected in the city, of five dollars, one dollar and half-a-dollar, according to their means, on each adult male resident within the settlements.[59] The British consul recognised the strictly legal right to do this, but declared that "it has been a matter of understanding for years past between the Chinese authorities and this consulate that the jurisdiction of the former over their own subjects living within these limits shall only be exercised through and with the consent of the British consul and . . . it would be inexpedient to allow of any departure from this rule." [60] The British envoy soon disposed of this contention—"there is nothing in the treaties which warrants me in interfering in any way in such questions. The Taotai is entitled to levy

[56] Sir F. Bruce to Shanghai land-renters, *ubi sup.*; Mr. Burlingame to Mr. Cunningham, *ubi sup.*

[57] Mr. Burlingame to Mr. Cunningham, *ubi sup.*

[58] Census of 1910.

[59] Taotai Wu to consul Medhurst, July 5th, 1862, Papers rel. Aff. China, 1864, p. 10.

[60] Consul Medhurst to Taotai Wu, July 16th, 1862, *ibid.*, p. 10.

taxes as he pleases; and, as long as he merely seeks to impose taxes on persons resident in the concession which are paid by those living in the city and suburb, I see no reason for objecting to it at a time when it is our interest, as well as that of the Chinese, that the government shall not be deprived of its resources.”[61] He was further of opinion that “we cannot look for the protection the Chinese government is bound to afford, under article xviii of the treaty, if we exempt a large number of its subjects from the jurisdiction of their authorities.”[62]

§ 16. The merchants resident in Shanghai were more clearly conscious than the envoy, on his pinnacle in Peking, of the practical difficulties attendant on a strict interpretation of the letter of the treaties, and the admission of dual and rival jurisdictions, on a footing of independence, within the same area. They had, however, no option but to bow to the will of the envoy and admit the right of the Chinese to tax their own subjects for national purposes; but, as a compromise, they arranged that such taxes should be collected by themselves and paid over to the imperial authorities. Accordingly, on June 12th, 1863, an agreement was made with the Taotai, by which the municipal council should collect from Chinese residents a double rating on rentals, 20 per cent. in place of ten, that this collection should be under the supervision of deputies of the Taotai, that half the proceeds of this tax should be paid to the Taotai, and that no further tax should be imposed by the Chinese authorities on Chinese resident within municipal limits.[63] This arrangement was excellent in requiring the Chinese to contribute to the expenses of both the municipal and the national governments, but it does not seem to have ever been carried into effect, and Shanghai is the sole instance in the world of a large and wealthy community which, while providing for its own municipal administration, provides nothing, beyond insignificant customs duties, for the protection which in theory is supposed to be given by the Chinese government, and in practice is given by a half-

[61] Mr. Bruce to Mr. Medhurst, Nov. 5th, 1862, *ibid.*, p. 11.

[62] Mr. Bruce to Earl Russell, Nov. 5th, 1862, *ibid.*, p. 8.

[63] Consular notification, July 2nd, in *North-China Herald*, July 4th, 1863. This notification was signed by the American, British, Russian and Prussian consuls, but not by the French.

dozen of the eighteen foreign governments having extra-territorial jurisdiction there.

§ 17. Some other questions relating to jurisdiction were settled in this period. At many of the ports now opened (Newchwang, Tientsin, Hankow, Kiukiang, Chin-kiang and Canton) there were British concessions (at Tientsin and Canton also French concessions), of which the whole area had been leased in perpetuity to the British crown, with a reserved ground-rent of 1500 cash a mow (about \$9 an acre) payable annually to the Chinese government; the British crown had then granted sub-leases for ninety-nine years to the land-renters. In "one at least" [64] of these concessions the British consul claimed to exercise jurisdiction in police matters over all resident therein, whether British subjects or not. The American envoy protested against this assumption of authority and found his British colleague in full accord with his views.[65] The latter further declared that "according to the laws of most countries a man cannot, without the permission of his government, withdraw himself from his natural and submit to a foreign authority . . . moreover, her Majesty's government has not empowered her agents in China to accept any such jurisdiction over foreigners or Chinese, and it is not expedient or politic to advance any such claim." [66]

§ 18. The jurisdiction of the consuls over their own nationals was, in general, effectively exercised, but there were anomalies, some of which have not yet been rectified. The British service was fully equipped with jails and constables, and judgments were executed without delay; appeals were carried to the Supreme Court in Hongkong until the opening, on September 4th, 1865, of the Supreme Court at Shanghai, created by Order in Council of March 9th. The American consuls were not equipped with proper machinery and the execution of justice was, in consequence, defective. In 1863 David Williams was arraigned before

[64] Mr. Burlingame to Mr. Seward, May 1st, 1864, U.S. For. Rel., 1864, iii, p. 379.

[65] "Any pretensions to exercise jurisdiction over foreigners residing within these limits are totally unfounded."—Sir F. Bruce to Mr. Burlingame, May 18th, 1864, *ibid.*, p. 380.

[66] Circular of Sir F. Bruce to H.M. consuls in China, May 16th, 1864, U.S. For. Rel., 1864, iii, p. 380.

the consul at Shanghai and convicted of piracy and murder, and a warrant for his execution was issued by the envoy at Peking; on February 29th, 1864, he was removed "from his place of confinement in the British jail to the jail of this consulate," and there, the next day, he committed suicide.[67] In the same year, at Shanghai, James White was convicted of murder, and was sentenced to death by hanging, but, before the issue of the envoy's warrant, he broke jail and escaped; the consul at Shanghai, Mr. George F. Seward, felt keenly the disgrace to his office, and wished to resign; and the envoy strongly urged the provision of a proper staff and adequate accommodation.[68] John Buckley was convicted of murder at Shanghai and was executed April 1st, 1864; on this Mr. Burlingame remarked—"The authority of the United States was laughed at and our flag made the cover for all the villains in China. . . . There has been a regular exodus of foreigners from China since"; and the British envoy and French admiral bore witness to the effect of the execution on the prevailing rowdyism.[69] Appeals from the American consular courts were carried to the legation in Peking, until the opening, on January 2nd, 1907, of the U.S. District Court for China.

§ 19. Justice was well administered in the French consular courts; but one case illustrated the French impatience of co-operation, which had been shown in municipal matters at Ningpo and Shanghai, and the inconvenience of a system which required appeals to be carried to Pondicherry. In 1865 a Frenchman, Pepin, killed an American, Butler, on a British steamer at Ningpo. The British consul disclaimed jurisdiction. The French consul tried Pepin, without notifying the American consul or giving him an opportunity to produce testimony, and acquitted him; though Butler had signed a deposition *in articulo mortis* accusing Pepin, while for the defence there was the testimony only of the accused and of one friend. The American consuls at Ningpo and at Shanghai, and the U.S. chargé d'affaires were all impressed with

[67] Mr. Burlingame to Mr. Seward, June 1st, 1864, *ibid.*, p. 392.

[68] Same to same, June 2nd, 1864, *ibid.*, p. 395. The American Association of China was, in 1907, still urging the provision of a proper staff and adequate accommodation.

[69] Same to same, June 3rd, 1864, *ibid.*, p. 400.

the irregularity of the trial, and the last requested the French chargé d'affaires to order a new trial. He declined, stating that the French legation did not possess the power of an appellate court like that given to the American legation, and that "the civil party must appeal to the court at Pondicherry if there is any doubt about the validity of the judgment or the competency of the French consular court." The matter was referred to the minister of Foreign Affairs at Paris, but he insisted on the fairness of the trial of the alleged murderer, and declared that "the facilities for appeal from the decisions of a French court in China have never been criticised before." [70] Appeal from these courts is now carried to Saigon.

§ 20. Other nations have generally enacted that appeals from their consular courts shall be carried to the capitals of their home countries; but appeals from Russian courts are taken to the court at Vladivostock, and to that court are sent, in original jurisdiction, all cases of more than minor importance. [71] Spanish subjects charged with grave crimes were to be sent to Manila for trial, and, since 1898, it is to be presumed to Spain. Appeals from the German consular courts are carried to the imperial Supreme Court at Leipzig. A case in 1867 illustrates the practical inconvenience arising from such distant appeal. A Danish subject, Sommers, was charged with murder before the Danish consular court and convicted; the judgment given by the court was that he "be sent in chains to Denmark when opportunity offers, there to be dealt with according to law." [72] An interesting case of jurisdiction came before the Danish court in 1906. Two firemen, one American, one Norwegian, were arrested by the municipal police for larceny committed, on the high seas, on board a Danish steamer, and were charged before the Danish consul. He disclaimed jurisdiction and referred the complainant to the American and Norwegian consuls. They also disclaimed jurisdiction

[70] Mr. Bigelow (U.S. envoy at Paris) to minister For. Aff., Jan. 29th; Mr. Bigelow to Mr. Seward, March 23rd, 1866; John Bigelow, "Retrospections of an Active Life," iii, pp. 327, 385.

[71] A case of arson was so dealt with Dec. 7th, 1906.—Shanghai papers *passim*.

[72] North-China Herald, April 17th, 1867.

under a well-defined principle of international law that a vessel on the high seas was to be regarded as an integral part of the country under whose flag she sailed, and that men on such ship's articles were subject to the laws of the ship's nationality. The Danish consul then held that the offence charged was one under municipal law and not an offence under maritime law, and that in such a case his court was competent to deal only with his own nationals; this being so he was by law bound to refer the case to be heard by the courts in Denmark. In the interest of justice, however, he consented to hear the case, found the men guilty, and sentenced them to short terms of imprisonment.[73]

§ 21. The greatest difficulty was experienced in the control of men of all nationalities or of no nationality, as suited their convenience of the moment. Of these there were many in China in those days of rebellion and piracy—"outlaws in fact, who have no regard for treaties or regulations, and who look upon the Chinese as made for them to prey upon; their drunken and debauched habits have made an impression even upon the Chinese." [74] In dealing with these men, the consuls generally supported one another, and refused to admit, without good proof, the claims of those who demanded their protection against the jurisdiction of another court. When left without the shelter of extraterritoriality, foreigners charged with offences were subject to the Chinese courts—with Chinese law, Chinese prisons and methods of extracting evidence, and Chinese judgments. This fate usually convinced them of the wisdom of admitting the jurisdiction of the court claiming it [75]; but, even when tried by a Chinese judge, these men of no nationality were protected from the full effects of a "Chinese procedure repugnant to foreign ideas," [76] by the presence of assessors from a foreign consulate.

§ 22. The exercise of jurisdiction over the Chinese presented greater complexity. The Chinese authorities were ready enough to tax, and would willingly have

[73] North-China Herald, Aug. 10th, 1906.

[74] Mr. Adkins to Sir F. Bruce, April 27th, 1863, Papers rel. Aff. China, 1864, p. 104.

[75] Lane-Poole, "Harry Parkes," i, p. 485.

[76] Ibid., p. 483.

administered justice if the administration could, as generally in China, have been associated with the taxing power ; but, without this power, justice is an expense to the government, and in Shanghai, during the rebellion, it was neglected. The necessary police control was exercised by the treaty-power consuls, sitting as police magistrates,[77] and there is no record of any Chinese magistrate exercising, or being allowed to exercise, the judicial function within the limits of the settlements. Civil suits were commonly settled by gild action or by friendly arbitration ; but when mixed suits came before a court, it was before a consular court. One such case occurred at Hankow as late as May 1864, when the Oriental Banking Corporation brought suit before the British consul against Yen Choong and Wye Kee for enforcement of a contract ; judgment was given for the plaintiff, the Chinese defendant being ordered to pay Tls. 68,232, which was paid.[78] This method was one which could not continue,[79] and yet the nascent republic of Shanghai was reluctant to admit the Chinese mandarin within its limits. The solution was found in the creation in 1864 of a "mixed court," over which was placed a deputy of the Shanghai magistrate. This court took cognisance of police cases, heard by the deputy alone ; of criminal cases against Chinese, in which a foreigner was interested, or against non-represented foreigners—heard by the deputy sitting with a delegate from a consulate as assessor ; and of civil cases, either between Chinese, when the deputy sat alone, or suits by foreigners against Chinese, which were heard with a consular assessor. Appeals were heard by the Taotai sitting with a consul as assessor.[80] This procedure was amended in 1869, when the court was presided over by a deputy of the Taotai, with the rank of sub-magistrate ; all cases affecting the interests of foreigners were to be heard with an assessor, but the deputy still heard alone cases in which both parties were Chinese ; Chinese servants of foreigners could be summoned only with the consent of the consul concerned ; criminal charges properly punishable by

[77] Cf. "Conflict," chap. xviii, § 7.

[78] North-China Herald, June 4th, 1864.

[79] Cf. *antea*, §§ 11, 12.

[80] Rules of court in North-China Herald, July 7th, 1866.

death or banishment were heard by the Shanghai magistrate (Hien).[81] The principle laid down in the British agreement of Chefoo 1876, that "cases are tried by the official of the defendant's nationality . . . the law administered will be the law of the nationality of the officer trying the case,"[82] was from that date the rule of the mixed court; but, in the lapse of time, it has come to pass that no case is now heard by the judge of that court sitting alone. The consular assessor is a party to the judgment in every case—in police cases because of the interest of the foreign community, and in suits between Chinese because the Chinese official, with his traditional methods of enforcing judgments, must not be admitted to an unfettered jurisdiction within the "area reserved for foreign trade and residence."

§ 23. The municipal administration was resisted by some recalcitrant rate-payers, who refused to pay rates to which they had not individually assented, on the ground that the grant of the land regulations, constituting the charter of the municipality, had not been made by an authority to which they were amenable. This view was consistently supported by the Supreme Court in Hongkong; but the British Supreme Court at Shanghai held that the envoy had express authority to sanction them, and that their force was not solely derived from the grant of the Chinese government.[83] This view was also the ground for similar decisions in the American,[84] Prussian,[85] Danish,[85] and French [86] courts. In other ways the community was careless of the obligations of citizenship. The first beginning of the shoal now constituting the public garden, at the junction of the Hwangpu River and the Soochow Creek, was the sinking there of a brig, which it was no one's duty to remove.[87] The land opposite to this, Putung Point, was deliberately extended over 300 feet into the river by the deposit of silt from the waters

[81] Rules of court in North-China Herald, Jan. 19th, 1869.

[82] Brit. agreement, Chefoo, 1876, sect. ii, art. iii.

[83] Municipal council *vs.* G. Wills and S. Wills, North-China Herald Nov. 18th, 1865.

[84] *Ibid.*, Feb. 3rd, 1866.

[85] *Ibid.*, Dec. 23rd, 1865.

[86] *Ibid.*, Dec. 30th, 1865.

[87] Maclellan, "The Story of Shanghai," p. 63.

caught by obstacles placed there by two men.[88] These citizens, who owed it no allegiance, flouted the authority of the quasi-republic, which was guarded by foreign bayonets alone and was given no protection by the power whose jurisdiction it denied.

§ 24. The making of roads over a muddy quagmire, the construction of drainage through a treacherous sub-soil, and the policing and sanitation of half a million Chinese suddenly thrust upon them, imposed a heavy task on the community; but the task was assumed and the work carried out. Then, on the suppression of the rebellion, the myriads of Chinese returned to their homes, and the resources of the municipality were seriously reduced, trade fell off, and the land-owners, who had made huge fortunes, found themselves with their incomes reduced; but the community struggled on, even through the world-wide monetary crisis of 1866. There were then 2750 foreigners and 138,000 Chinese resident within municipal limits, and there were eleven banks, ten English and one French. The first English church was built in 1847; its roof fell in 1850 and was renewed, and the church was pulled down in 1862. The present Holy Trinity church was built in 1866 at a cost of Tls. 70,000, and the first pew-holders included 178 English, 32 American and 2 German.[89] The race-course inside the English settlement was sold in 1863 and the proceeds, Tls. 49,425, were given by the shareholders to the community as a free gift. With this the Recreation Fund was formed, and from this fund many of the means of recreation in Shanghai have been provided, including the present race-course and recreation ground. The land for these, with an area of 430 mow (72 acres), was bought in 1866 for Tls. 10,750, but with a proviso that, if the land were ever resold for any other purpose, the original Chinese vendors should receive an additional sum of Tls. 100 a mow.[90] Rowing was, in those days, a favorite recreation; the international cup was keenly competed for, and was won in 1866 by the American eight, and in 1867 by the English.[91]

[88] *R. vs. E. A. Reynolds and A. Holtz*, North-China Herald, Oct. 21st, 1865. Cf. "Conflict," map facing p. 454.

[89] *Ibid.*, Feb. 18th, 1865.

[90] *Ibid.*, Feb. 9th, 1867.

[91] *Ibid.*, Nov. 4th, 1867.

§ 25. While the Shanghai municipality was thus encroaching on the sovereign rights of China, though its utmost pretensions had been kept in check by the sober sense and feeling for justice shown by the foreign envoys; while the Chinese authorities, even under the leadership of Tseng Kwo-fan and Li Hung-chang, were powerless, when unaided, to stem the tide of rebellion; and while those authorities constantly called upon the Western powers for aid at every turn, and that aid was given, in the interest of foreign trade, but also for the benefit of China; the relations between the West and the East, improved as they had been, and friendly on the surface, were at bottom much the same as before. In January 1863, Mr. Burlingame received a personal letter from the emperor to the president of the United States, in answer to that given when the envoy had presented his credentials; in this letter, evidently intended in a friendly spirit and as from sovereign to sovereign, the emperor was made to say that "having with reverence received from Heaven [God] the commission to soothe and bridle [i.e. to rule] the world, we regard the Middle Empire and the outside countries as one family." In transmitting this letter, Mr. Burlingame treated its condescending tone as of no importance, declaring that "the assumption will cause you to smile," but adding, more seriously, "I feel that I am here to secure essentials, and not to raise questions about unimportant matters." [92] But in these essentials the way was not always smooth. In the following June, at a time when Kunshan had just been taken by Gordon, [93] the British, American and Russian envoys, with the support of the French envoy, who had just arrived, saw Prince Kung separately and presented a memorandum of observations on the general neglect by the provincial officials to carry out treaty stipulations; and the prince minister was informed that the envoys were dissatisfied with the execution of the treaties and the "tone of the government generally towards foreigners," and was warned that, if there was no improvement in the international relations, the aid and

[92] Mr. Burlingame to Mr. Seward, Jan. 29th, 1863, U.S. For. Rel., 1863, ii, p. 846.

[93] Cf. chap. v, § 7.

support now given with so generous a hand to the Chinese government would be withdrawn.[94] Prince Kung answered in a conciliatory tone, promising redress in any case of proved wrong [95]; but that envoys, so generally friendly and sympathetic in China's troubles, should have formally presented these simultaneous observations on their relations with the Chinese government is a demonstration that those relations were not on a proper basis—or that Peking did not govern the provinces. What was done in regulating those relations during the period of co-operation at Peking was summarised by Mr. Burlingame in a body of instructions to American consuls,[96] which reflect credit on himself and his colleagues.

[94] Sir F. Bruce to Earl Russell, June 12th, 1863, Papers rel. Aff. China, No. 6, 1864, p. 1; Mr. Burlingame to Mr. Seward, June 20th, 1863, U.S. For. Rel., 1863, ii, p. 859.

[95] Prince Kung to Sir F. Bruce, June 19th, 1863, Papers rel. Aff. China, No. 8, 1864, p. 2.

[96] Cf. Appendix A.

CHAPTER VII

DEFINITION OF CUSTOMS AUTHORITY

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§ 1. THE "foreign customs" was made an imperial service officially from January 21st, 1861, when the commission was issued appointing Mr. Lay Inspector-General; but practically it was a national service from the time, the December quarter of 1860, when, under the conventions of Peking,[1] the customs offices began to make report of their collection to the Chinese government, and, so long as the indemnity payments continued, to the British and French representatives, and to pay the fixed instalments of the indemnity directly to those representatives, to each one-fifth of their gross collection. This left to the

[1] Br. conv. Peking, 1860, art. iii; Fr. conv. Peking, 1860, art. iv. The Jan.-March quarter, 1861, was the "first quarter" in the customs records, and the quarter ending Dec. 31st, 1918, is the 232nd quarter of the Chinese customs.

imperial government three-fifths of the collection, and ultimately, when the war indemnities were liquidated, the whole; and this revenue accrued to the treasury under a system which, for the time first in Chinese history, reported as receipts the entire sums paid by the public, and turned in the entire collection. Yet it would be a mistake to suppose that the excellence of this system was manifest to the Chinese mandarinates, other than a few statesmen such as Wensiang and Li Hung-chang. The officials of the empire looked on its revenue service as their pasturage,[2] and resented any attempt to deprive them of their emoluments from this source[3]; and the new service secured its footing mainly through the support given to it by the foreign envoys. The British envoy was impressed by the "great difficulty of keeping foreigners within the limits of treaties, arising from the reluctance of the Chinese government to assert its own rights"; and he regarded the foreign officials in the service of the government as the best instruments for giving the Chinese the backbone necessary for remedying this defect.[4] The American envoy shared this view,[5] and, on the understanding that the service should be "put on a cosmopolitan footing," he gave it an equally effective support.[6]

§ 2. Next to the support of the foreign envoys, the most important element in establishing the customs was the personality of Mr. Robert Hart. Mr. Lay was the first Inspector General, but, after receiving his commission, he went to Peking; and shortly after returning to Shanghai was invalided. He resumed his office for five months in 1863, but was then entirely engrossed with the difficulties connected with the Anglo-Chinese fleet, and left no impress on the service. Mr. Hart was the working head of the consolidated service, and from the outset gained the good opinion of all, foreign envoys, Chinese

[2] Cf. "Conflict," chap. ii, *passim*; *antea*, chap. i, § 4.

[3] Cf. chap. i, § 23.

[4] Mr. Bruce to Earl Russell, Oct. 6th, 13th, 1862, *Further Papers rel. Rebellion*, 1863, pp. 130, 131.

[5] Mr. Bruce to consul Harvey, March 30th, 1863, *Papers rel. Aff. China*, 1864, p. 73.

[6] Mr. Burlingame to Mr. Seward, June 20th, 1863, *U.S. For. Rel.*, 1863, ii, p. 859.

officials, and foreign merchants, alike.[7] He was received at once [8] on a friendly footing by Prince Kung, Wensiang and Hangki, having long conversations with them, and producing on them a most favorable impression.[9] Even so conservative an official as a Tartar-general, the one at Foochow, who a few years before had refused to show the British plenipotentiary, Sir J. Bowring, the respect evidenced by opening to his chair the central doors of his yamen, now voluntarily threw them open to receive a visit from Mr. Hart.[10]

§ 3. The head of the service needed no prompting to make it cosmopolitan. In 1861, of the officials in charge of collectorates, three (making, with Mr. Lay and Mr. Hart, five) were English, two were American, one French and one German [11]; and in 1864, including Mr. Hart, they were six English, three American, three French and one German.[12] In that year Mr. Hart, considering the importance of American interests, was so impressed with the fact that "we have not one American who can be said to have any knowledge of Chinese," that he solicited the aid of the American government to "get from America three young gentlemen who have received a college education" [13]; and in 1869 the Prussian government was requested to nominate ten Germans, and the French government five Frenchmen.[14] The service was always kept cosmopolitan. In June 1873 the executive branch (the indoor staff) included a total of 93, of whom 58 were English, 8 American, 12 French, 11 German, and 4 of other nationalities; in June 1912 this branch included a total of 354, of whom 145 were English, 14 American, 32

[7] Cf. chap. ii, § 22.

[8] In June 1861. Rennie, "Peking and the Pekingese," i, pp. 215, 220, 258. See also chap. iii, n. 16.

[9] Prince Kung referred to him affectionately as "our own Hart."—Rennie, *op. cit.*, i, p. 264.

[10] Mr. Bruce to Earl Russell, Oct. 13th, 1862, Further Papers rel. Rebellion, 1863, p. 131.

[11] Customs archives.

[12] Mr. Hart to Mr. Burlingame, June 25th, 1864, U.S. For. Rel., 1864, iii, p. 437.

[13] *Ibid.* Mr. Seward entrusted the selection to the presidents of three colleges, who nominated Mr. E. C. Taintor (Union, Mr. Seward's own college), Mr. E. B. Drew (Harvard), Mr. F. E. Woodruff (Yale).

[14] R. Hart to E. C. Bowra, July 15th, 1869. [N.B. In the case of Mr. Hart's letters and despatches cited, when no place is indicated, they are invariably written in Peking.]

French, 38 German, 16 Russian, 33 Japanese, 50 of nine other foreign nationalities, and 26 Chinese.[15] This cosmopolitan character prevented the growth of any partisan foreign feeling, and impressed on the members of the service, from top to bottom, a sense of duty owed to the Chinese government.

§ 4. Because of this impress the service was, in its infancy, not popular with the merchants and the consuls. The commissioners of customs acted on the assumption that China retained all sovereign rights which had not been specifically granted away by the treaties, an assumption of which no one now doubts the correctness. The merchants were inclined to take the treaties as a charter of liberties, to be interpreted in its spirit and not from its letter [16]; and considered that rights which had not been specifically reserved to China, either accrued to them by inference, or were necessary for securing the other

[15] Customs archives.

[16] Cf. chap. vi, §§ 13, 15; postea, § 14.

"There is nothing more extraordinary in the annals of popular feeling in Shanghai, than the change which has come over it during the past few years, with regard to the foreign inspectorate of customs. Years ago it was, we can hardly say, tolerated, but rather endured as a public nuisance. In those days men thought it no shame, but rather a good joke, to defraud the revenue; and to 'sell' the exciseman was regarded in much the same light as when, in olden times, the great houses at Canton openly violated the treaty of Nanking, by paying a linguist half-duties in lieu of the full amounts. But we have now changed all that, and all classes of the mercantile community have, we imagine, come to regard the foreign inspectorate of customs as a boon to legitimate trade, and to welcome its returns and statistics as a genial gift to all therein concerned."—North-China Herald, July 2nd, 1869.

The following case will serve to illustrate the way in which this attitude of the merchants had to be dealt with in the early days.

"I have received your despatch No. 8 of September 21st, giving a detailed account of the customs' proceedings in the case of goods landed without a permit from the *Lord of the Isles* by Mr. M. I entirely approve of all you have done, as reported in the despatch in question.

"I have now to instruct you to advise the Superintendent of Customs to press most strongly for a consular warrant to enter the godown and take therefrom the goods that were illegally landed. Upon the goods having been delivered up to the customs, you will advise that a despatch be written to the consul informing him that they are confiscated and that the day—which you need not particularise—has been fixed for their sale; and you will have the goodness to dispose of them by public auction on the third day after the despatch of the official communication to the consul.

"Should the consul object to issue the warrant, you will advise the Superintendent of Customs to report the case to the Tsungli-Yamen, enclosing in his despatch copies of the letters that have passed between him and the consul."—R. Hart to G. B. Glover, Tientsin, Oct. 11th, 1861.

privileges which had been specifically granted to them. Early in the history of the service they objected to the jurisdiction of the Chinese over revenue matters and held that "the foreigners employed should not be shielded by their official character from being amenable to a consular court for damages . . . when, in the judgment of the court, they exceed their legitimate powers"; and they demanded that "no penalty for breach of revenue laws should be inflicted upon a [British subject] except by a consul, after a fair and open trial [17]"; that "all such custom-house cases should be taken before the [British] consul and decided by him in open court." [18] On these demands that the consul should intervene in revenue cases in his judicial, and not his consular, capacity, it is enough to note here that Mr. Bruce held that, "whether such an arrangement be desirable or not, it could only be carried out by consent of the Chinese government, and I have now before me a proof that they are not willing to submit their rights to consular decision" [19]; and Lord Elgin pointed out that the right, if granted to British consuls, must also be granted to all consuls, and that "the judgment of the consul who takes the lowest view of the obligations of his countrymen [20] must in every case furnish the standard by which the propriety of proposed regulations for the protection of the revenue, or the culpability of traders contravening them, is to be determined." [21]

§ 5. The consuls were of much the same opinion as the merchants; they had always been judges of the law and the facts in revenue cases, [22] and it was to them alone that the Chinese officials had turned in questions of doubt or difficulty; and their inclination was to recognise the official position of the commissioner in his relations to the Chinese, but to deny it as regarded the foreigner,

[17] Hongkong Chamber of Commerce to Lord J. Russell, Aug. 26th, 1861, Further Papers rel. Rebellion, 1863, p. 161.

[18] Shanghai Chamber of Commerce to Lord J. Russell, Aug. 20th, 1861, *ibid.*, p. 165.

[19] Mr. Bruce to Earl Russell, Nov. 10th, 1861, *ibid.*, p. 181.

[20] Cf. chap. i, § 16.

[21] Lord Elgin to Mr. Layard, Feb. 8th, 1862, Further Papers rel. Rebellion, 1863, p. 192.

[22] Cf. chap. ii, § 2.

whether consul or merchant. A case in illustration of this attitude occurred as early as 1859, in a suit brought by J. R. Hooper against H. N. Lay to recover Tls. 450 as three months' salary in lieu of notice on peremptory dismissal. Mr. Lay disclaimed personal liability, and denied the jurisdiction of the consul, as he was "only acting as agent for the Chinese Superintendent of Customs." The consul asserted his jurisdiction in the case, and, with the assent of two assessors, gave judgment for the amount claimed, on the ground that "Mr. Lay, a British subject, was not acting as a British functionary, but for foreign authorities, the nature of his relations with whom was not well known." On appeal the envoy at Peking reversed this judgment, stating that "the claim is against the Chinese Superintendent of Customs, and the British consular court cannot entertain a suit against that functionary." [23] This attitude of the courts continued for some years after the establishment of the Inspectorate General. In 1866 Baron von Gumpach, a British subject and a German Baron, was appointed by Mr. Hart "to the chair of Mathematics and Astronomy in the Tungwenkwan (College) at Peking" at a salary of £600 a year. After two years of waiting on full pay for students in astronomy he was asked to take a class in mathematics, but he refused on the ground that such a class would be below his dignity. Mr. Hart, who had been entrusted with the superintendence of the college, then reported the facts to his superior, the Tsungli Yamen, and was instructed to dismiss the professor, questions of pay being left to him. He then proposed to give pay to the end of the current quarter, a year's salary as gratuity, and a passage to England. The funds for this were issued to von Gumpach and were accepted by him; and then, after waiting in Peking until November 1869, he proceeded to Shanghai, where he brought suit against Mr. Hart for maliciously making false representations on his conduct. At the trial the court decided for the plaintiff, awarding him £1800 as damages. The case was then appealed to the Privy Council, which decided that there was no proof of malice, that the dismissal was the act of the Chinese government, that in this matter Mr. Hart had acted "in

[23] North-China Herald, Oct. 22nd, 1859.

his duty as a servant of the Chinese government," and that his reports to it were privileged. The appeal judges ordered a new trial, but this ended the case.[24] A further case occurred in 1881 when an Englishman named Page, a tidewaiter in the Canton customs, shot a Chinese smuggler during a run of smuggled goods at night. The wounded man died, but the Chinese authorities accepted the deed as committed by a customs officer in the legitimate exercise of his duty, and took no action. The British consul, the Canton consulate always being much under the influence of Hongkong feelings, thereupon, *ex motu suo*, arrested Page, and prosecuted him for manslaughter, but he was acquitted. The Chinese government was not in a position to assert its authority in such a confused interpretation of the principles of extraterritoriality, and the Inspector General issued instructions that any customs employee killing or wounding any one must at once resign his position and place himself in the hands of his consul as a private person, his subsequent reinstatement being a matter for future decision [25]; but he at once transferred to other ports every Englishman on the Canton customs staff, from the commissioner down, filling their places with men of other nationalities.

§ 6. The Supreme Court in Hongkong was especially prominent in asserting its right to interpret the treaties and all regulations made under them, and in demanding a veto on all acts of the Chinese executive which affected British merchants. This was illustrated by the case of *Bowman vs. Fitz-Roy*. In October 1861 the firm of Bowman & Co. at Shanghai applied for a permit to land 80 bales each containing 25 pieces of shirtings; 30 bales had been landed, and orders were given to examine a second lighter containing 22 bales; of these it was found that 8 bales had been taken to the merchant's warehouse without permit, and that the remaining 14 bales contained

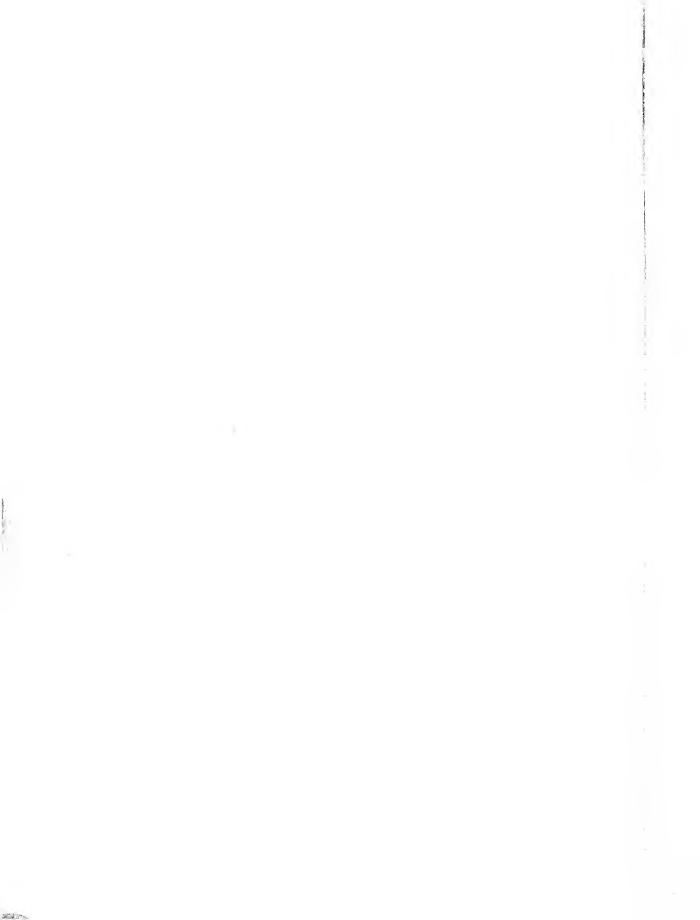
[24] Judgment, Jan. 28th, 1873, from official report of appeal to the Privy Council in the case of *von Gumpach vs. Hart*.

"What mark he [von Gumpach] enjoyed was in the character of an Ishmaelite, whose attitude is opposition and his element controversy. . . . My appointment to the presidency of the college in 1869, a position to which he aspired, supplied him with a fresh grievance."—W. A. P. Martin, "A Cycle of Cathay," p. 304.

[25] Customs archives. Cf. chap. xv, §§ 12, 13.



MR. ROBERT HART IN 1866.



each 50 pieces.[26] The merchants pleaded that the false declaration was a clerical error and asked leave to amend it, and they demanded the release of the 14 bales seized; the customs, on the other hand, claimed the right to confiscate the 8 bales already landed, as well as the 14 bales seized, waiving its claim against the remaining 58 of the 80 bales imported. The importers appealed to the Supreme Court in Hongkong, which, on August 7th, served a writ [27] on the consul requiring him to show cause why a mandamus should not issue "ordering him to hear and determine a certain charge against the applicants [Bowman & Co.] of infringement of the provisions of the treaty . . . in respect of eighty bales of shirtings." The British envoy was "clearly of opinion that the circumstances of the case . . . were such as not only justified the seizure of the 22 bales, but would have justified the seizure of the 80 bales had the Taotai availed himself of his undoubted right to seize and confiscate them." [28] He was further of opinion that the British merchant should, in such cases, be protected by diplomatic action and not by judicial proceedings—

"All proceedings in cases of breach of rules and regulations for the enforcement of treaties should be confined to the consul and to the chief superintendent of trade [the envoy] . . . with right of appeal to the Secretary of State for Foreign Affairs. . . . It is for the chief superintendent to prescribe to the consul the course he is to pursue, and the Supreme Court at Hongkong cannot interfere in such matters without producing confusion. . . . It would have been advisable to have allowed the plaint to be entered and for Mr. Fitz-Roy to set forth his defence on record; the action would then have come to an end." [29]

The British government decided that "British subjects in the service of the emperor of China do not cease to be British subjects, but, in respect of acts done by them officially in the service of the Chinese government, when such justification is pleaded and proved, they ought not to be holden civilly liable in the consular courts." [30]

[26] Prince Kung to Mr. Bruce, Oct. 24th, 1864, Papers rel. Aff. China, 1864, p. 32; affidavit of tidewater Vogeler, sworn Aug. 11th, *ibid.*, p. 36. Cf. chap. i, § 7.

[27] *Ibid.*, p. 34.

[28] Mr. Bruce to consul Medhurst, Nov. 3rd, 1862, *ibid.*, p. 36.

[29] Mr. Bruce to Earl Russell, Dec. 23rd, 1862, *ibid.*, p. 31.

[30] Earl Russell to Sir F. Bruce, Aug. 14th, 1863, *ibid.*, p. 94.

§ 7. In the control of shipping the powers of the customs were weak. The customs and the envoys who supported its establishment looked forward to the preventive work to be done by Captain Sherard Osborn's squadron[31]; while the mercantile community, even some years later, regarded with disapproval any such attempt to apply brute force to customs dealings with themselves.[32] In October 1862 goods, on which the duty had been properly paid, were landed from the American barque *Agnes* at Ningpo after sunset, in contravention of customs regulations. The commissioner, supported by the Taotai, claimed the right to confiscate the goods so landed and fine the master Tls. 300 for the breach of regulations; and to prohibit the further landing of cargo from the ship until the fine should be paid and an apology offered for an assault committed on the customs officer on board. About the same time a similar case occurred at the same port on the British ship *Blackburn*. In the end it was laid down that the customs were strictly within their right in claiming to confiscate the incriminated goods; but that they could not deal with the goods not yet landed as a means of enforcing other penalties; and that no fine, whether specified in the treaty or not, could be imposed by the customs, but that all fines were subject

[31] "I fear, as soon as Sherard Osborn, an energetic officer, takes command of the Chinese navy, we shall have sharp work. . . . I have warned my countrymen that, if they would not have trouble, they must strictly observe the customs regulations."—Mr. Burlingame to Mr. Seward, Dec. 10th, 1862, U.S. For. Rel., 1863, ii, p. 839.

"I have had occasion frequently to comment to your Lordship on the great difficulty of keeping foreigners within the limits of the treaties, arising from the reluctance of the Chinese government to assert its own rights. . . . I see no way in which this desirable object can be attained, except through the customs establishment, and the executive which will be formed in connexion with it under Captain Osborn, or some other competent naval officer."—Mr. Bruce to Earl Russell, Oct. 13th, 1862, Further Papers rel. Rebellion, 1863, p. 131.

[32] "What object Mr. Hart had before his eyes in the acquirement of the fleet of cruisers now on their way from England, it is difficult to fathom. That the vessels have no legal status . . . is a notorious fact. . . . We would not wrong him by supposing his conduct objectless; and the recollection of the Lay-Osborn flotilla has not yet departed. The refusal of the commodore to accept a commission from a man whose position was so difficult to define, caused the dispersion of that fleet; and Mr. Hart has had to bide his time and watch his opportunities for the second attempt."—Editorial, North-China Herald, March 29th, 1870.

to the judicial decision of the consul.[33] This ruling was approved by the Chinese government,[34] and thenceforth it was recognised that the intervention of the consul in cases of confiscation—*in rem*—was only political and diplomatic, but that in cases of fine—*in personam*—it was his further duty to protect the merchant in his judicial capacity.

§ 8. Foreign ships were permitted to trade at certain ports (after the treaties 1842–1860, twelve in number) and at those ports only; and such ships trading at other ports were liable to confiscation. The privileges granted to foreign ships were so great that there was always a temptation to engage in this prohibited trade, and it was done with little risk because of the weakness and corruption of the imperial officials, stationed at those quiet ports away from the direct supervision of their superiors. The traffic was especially favoured by lorchas [35] owned by Hongkong or Singapore Chinese, owners and ships assuming Chinese or British nationality as suited the convenience of the moment.[36] At the close of 1862 a British lorcha, the *Pearl*, took in a cargo of salt, a prohibited article, at Chüanchow, a port not opened by treaty, and carried it to Foochow. The customs, supported by the territorial authorities, claimed the right to confiscate ship and cargo under treaty provisions.[37] This claim was disputed by the consul, whose opinion was supported by the Attorney-General of Hongkong, on the ground that the vessel was not liable to confiscation unless she was seized in the act of trading at the non-treaty port itself. This opinion did not commend itself to the British

[33] Mr. Burlingame to consul Mangum, Dec. 9th, 1862, U.S. For. Rel., 1863, ii, p. 840; Mr. Bruce to consul Harvey, March 30th, 1863, Papers rel. Aff. China, 1864, p. 73.

[34] Prince Kung to Mr. Burlingame, Dec. 27th, 1862, U.S. For. Rel., 1863, ii, p. 845.

[35] Lorcha, a ship having a hull of European design, but with masts and sails of a Chinese pattern.

[36] "They call themselves Chinese to evade the restrictions of the British treaty, and British to evade what they call squeezes—that is to say, the payment of dues levied on Chinese traders."—Mr. Bruce to Earl Russell, Jan. 6th, 1863, Papers rel. Aff. China, 1864, p. 42.

While at the Peking legation Sir Rutherford Alcock took steps to refuse to recognise as British subjects any Hongkong or Singapore Chinese who continued to bear the badge of Manchu conquest, the queue, but he withdrew from his position in face of the outcry from those British colonies.

[37] Br. tr. Tientsin, 1858, art. xlvii.

envoy, who held that "the vessel is committing a breach of the treaty provision, and is liable to the penalty, as long as she continues with the cargo on board and attempts to dispose of it in China"; and the view maintained by the Attorney-General appeared to him indefensible.[38] He further instructed the consul that his duty was, not to resist, but to protest against customs action of which he disapproved, and, in general, to strengthen the influence of the customs.[39] The envoy's opinion was fully approved by his government [40]; but notwithstanding this approval, and that of his three colleagues at Peking,[41] the Chinese government, in the fifty years which have since elapsed, has never been in a position when it felt able to enforce the full penalty under this provision of the treaties.

§ 9. The treaties stipulated that the Chinese government must publish tariffs of the inland taxation leviable on goods carried to or from each port, and that foreign merchants might, by paying half the customs duty, commute inland taxes on foreign imports and on Chinese produce intended for export.[42] No treaty provision gave rise to greater difficulties than this. In this the central administration came into direct conflict with the provincial authorities, whose principal support was derived from taxation on inland transit. Moderate taxes of this class had been known in earlier years, and a limit to the amounts leviable on foreign imports had been set by the treaty of Nanking; but it had been found difficult to determine the indeterminate, and the restriction was expressed in the vaguest terms.[43] In 1858 the restriction was defined very exactly; but, before the stipulation could be carried into effect, the provincial authorities had begun to realise the value to them of a new tax, *likin*, which had been introduced, and all territory under the imperial control was covered with a net-work of stations

[38] Mr. Bruce to Earl Russell, Jan. 6th, 1863, Papers rel. Aff. China, 1864, p. 42.

[39] Mr. Bruce to consul Sinclair, Dec. 9th, 1862, and Jan. 24th, 1863, *ibid.*, pp. 16, 47.

[40] Earl Russell to Sir F. Bruce, June 5th, 1863, *ibid.*, p. 71.

[41] Mr. Burlingame to Mr. G. F. Seward, App. A,

[42] Br. tr. Tientsin, 1858, art. xxviii, and Rules of Trade, vii.

[43] Br. tr. Nanking, 1842, art. x; Declaration resp. Transit Dues, Hongkong, June 26th, 1843, Treaties, i, p. 165.

collecting this tax. Here was a sharply defined issue, and conflicts arose at the outset. In one case at Hankow in 1862 the British consul brought in the British naval forces, and was instructed that force was not to be used in such cases; that, if a wrong was committed, it was his duty to protest and report to the envoy.[44] Goods not covered by transit certificate were admittedly liable to likin, and, in an attempt at evasion of likin due on such goods at Shanghai, the merchant was informed that he could expect no support from his own authorities.[45] The conflict of interests went on, and its settlement was the principal among the objects of the revision of the treaties attempted in 1869; but this revision failed, and the question of inland dues continued to provide occupation for foreign envoys and consuls, difficulty for the Chinese administration, and vexation for the foreign traders. Some provinces struggled long, but in the end the right of the foreign trader to cover his imports by a transit certificate was generally recognised; and, with the rise of a class of brokers, ready—for a consideration—to cover Chinese-owned foreign imports with the protection of a foreign name, the privilege was extended to Chinese as well, in practice from 1874, and formally from 1880.[46] Chinese produce, except silk cocoons, has never been bought by foreigners inland, and the transit privilege for this has always rested on a basis of falsehood; this is especially true of tea, which the exporting foreign merchant buys in Hankow and not at Anhwa (Oanfa), in Kiukiang and not at Ningchow; and tea has never been covered by transit certificates. Nor is silk generally so covered; but in the course of time the right became generally recognised to cover other Chinese produce with transit certificates, even when the express condition, that the produce was intended for foreign export, was evaded.

§ 10. All these disputes were as many evidences of the truth of the British envoy's declaration that "in countries like China, where the principles of administra-

[44] Mr. Bruce to consul Gingell, July 17th, 1862, *Further Papers rel. Rebellion*, 1863, p. 65.

[45] Mr. Bruce to Earl Russell, Dec. 2nd, 1862; Mr. Bruce to consul Medhurst, May 2nd, Nov. 5th, 1862; *Papers rel. Aff. China*, 1864, pp. 11, 12, 16.

[46] *Customs archives*.

tion differ entirely from those practised by us, the conclusion of a treaty is the commencement, and not the termination, of difficulties.”[47] From the outset there was on one side a body of officials, under slight control from Peking, dependent for their subsistence on local taxes, and bent on evading the restrictions imposed on their levy; on the other a body of foreign merchants possessed of treaty-given privileges which, without regard to the difficulties and necessities of the local administration, they wished to maintain, and even to extend beyond the letter of the treaties; and between the two, the imperial government, bound by treaty obligations but unable to restrain the provincial authorities, and the foreign envoys, realising the difficulties of the situation but charged with the duty of maintaining the privileges secured by treaty. By their co-operative policy the foreign envoys were enabled to impose their will on the Chinese government; but, especially Mr. Bruce and Mr. Burlingame, the representatives of the nations conducting nine-tenths of the trade, the envoys were filled with a high sense of duty, and, in interpreting the treaties, did full justice to all legitimate claims of the Chinese. In all these matters they were acting as judges. Questions of jurisdiction it was within their competence to decide; but in revenue cases they had great difficulty from the absence of any means of sifting the evidence. The merchants wished all such cases to be subject to the judicial decision of the consul,[48] and, it may be presumed, with privilege of appeal to Hongkong, San Francisco, Saigon and Leipzig; and the Chinese desired that the revenue authority should be the judge, but this contravened too flagrantly the principle of extraterritoriality. The Hongkong merchants admitted no doubt on the propriety of consular jurisdiction; but “should such a proposition be deemed impracticable,” the Shanghai merchants suggested that a joint tribunal should be established to investigate such cases, which, they declared, was more necessary with the foreign element in the customs than “under the custom-house system worked by the Chinese officers

[47] Mr. Bruce to Earl Russell, July 18th, 1862, *Further Papers rel. Rebellion*, 1863, p. 59.

[48] Cf. *antea*, § 4.

only.”[49] The British envoy agreed in thinking the proposal expedient, but saw a difficulty in “constituting a board which will be satisfactory and fair to both parties.”[50] The difficulties increased, however, and in June 1864 Mr. Hart “had the satisfaction of being able to induce the Chinese authorities to adopt a plan of joint investigation,” at first experimentally at Shanghai, and, toward the end of 1867, at all the ports[51]; the proposal had necessarily to be approved by the foreign envoys before it could be put in force, and its adoption was “equally urged by them.”[52]

§ 11. The court of joint investigation was to consist of the Superintendent of customs, the consul concerned, and the commissioner of customs. In the case of confiscation, the court was a Chinese court,[53] giving a Chinese judgment[54]; and fines were inflicted by a consular court.[55] It was a genuine compromise on both sides: the foreign powers surrendered the right of final judgment in the case of fines provided for by treaty, which admittedly lay within the jurisdiction of the consul; and China surrendered sole jurisdiction in cases of confiscation, which, on every principle of international law, and on the admission of the foreign representatives, lay with the Chinese courts.[56] Yet the new tribunal was a failure as a court, carrying within itself the seeds of dissension. The head of the court was the Superin-

[49] Memorial of Shanghai Chamber of Commerce to Lord J. Russell, Aug. 20th, 1861, *Further Papers rel. Rebellion*, 1863, p. 165.

[50] Mr. Bruce to Shanghai Chamber of Commerce, Sept. 23rd, 1861, *ibid.*, p. 170.

[51] R. Hart, circular, June 15th, 1868.

[52] Mr. Burlingame to Mr. Seward, June 6th, 1864, *U.S. For. Rel.*, 1864, iii, p. 425.

[53] “The court will meet at the custom house. . . . The Superintendent will invite the consul to take his seat with him on the bench; the Commissioner of Customs will also be seated to assist the Superintendent.”—*Joint-investigation rules*, iii.

[54] “The Superintendent will inform the consul of the course he proposes to pursue. If . . . the consul dissents, the merchant may appeal. . . . If the consul agrees with the Superintendent . . . the merchant will not have the right of appeal.”—*Ibid.*, iv.

[55] *Cf. antea*, § 7.

“When the act . . . is punishable by fine, the commissioner will . . . cause a plaint to be entered in the consular court . . . the commissioner shall take his seat on the bench and conduct the case on behalf of the prosecution.”—*Ibid.*, vi.

[56] *Cf. antea*, § 7.

tendent of customs, who, at Shanghai and at most of the other ports, was also a busy territorial official, directing and controlling the executive, judicial and fiscal affairs of a territory comprising some millions of people, and he had a personal interest in penalties inflicted.[57] The commissioner was at once plaintiff, prosecuting attorney and co-judge; the case passed under his decision before being allowed to come to joint investigation, and the possibility of any new evidence is hardly conceivable; and the Superintendent could not be credited with an opinion in the matter which was not the commissioner's. The consul was a co-judge, but, by reason of his official position, was necessarily the attorney and protector of the defendant. The result was that, at the outset, many judgments, and all those involving any important principle, were dissented from. An appeal then lay to the envoy and the Tsungli Yamen; but, though the court generally failed in its primary function of giving a judgment, the higher authorities, including the Inspector General, had the inestimable advantage of no longer having only *ex-parte* statements to rely upon; under this system "the evidence coming up to us will have been agreed to by both sides, and so arranged as to make a decision by us practicable." [58]

§ 12. While the foreign merchants held extreme views on their rights under the treaties and made extravagant claims, the Chinese government was no less extreme in maintaining rights which, it held, had not been abandoned. Under the Chinese system each custom house was an independent unit, levying taxes without regard to what had been levied elsewhere on the same goods; such a thing as a national system was unknown, and each collector was solely concerned with increasing his own receipts, mainly for his personal benefit. The application of the provincial system to foreign imports was frustrated

[57] Of the proceeds of customs fines and confiscations, four-tenths are at the official disposal of the Inspector General, three-tenths are paid to the Tsungli Yamen, and three-tenths to the Superintendent. The custom-house buildings have been generally provided from the Inspector General's four-tenths; the other shares have generally constituted a sort of official pocket-money.

[58] Mr. Burlingame to Mr. Seward, June 6th, 1864, U.S. For. Rel., 1864, iii, p. 425.

by the treaty provision [59] that import duty was to be refunded if the goods were subsequently re-exported; but, in the case of reshipments to another Chinese port, the provincial system demanded that the import duty paid at the original port should be refunded and be paid again at the ultimate port of entry, and, at the outset, this was the cumbrous system which was adopted. In the case of native produce shipped from an outport to Shanghai for export to foreign countries, the apprehensions of the foreign traders led them to interpret the intentions of the customs in such a way that they saw before them the prospect of being called upon to pay a half-duty as inland dues, plus once export duty at the outport, plus once import duty at Shanghai, plus once export duty at Shanghai, making three and a half times the tariff duty instead of the maximum of one-and-a-half duties, as they contended, leviable under the treaties; in this way, they declared, duty on tea was raised from a legal maximum of Tls. 3·750 to Tls. 8·750, and on silk from Tls. 15 to Tls. 35.[60] This was actually the method of taxation which the Chinese officials longed to apply to shipments of native produce made in this way [61]; but Mr. Hart was at this time, the summer of 1861, in Peking, consulted by the government and giving them guidance,[62] and he pressed upon them the wisdom of lighter taxation. Even before the date of the memorial of the foreign merchants, the Shanghai customs had notified that, while the one-and-a-half duties would be levied at the outport and one duty as import duty at Shanghai, "if such goods should be reshipped for exportation, the export tariff duty will not for the present be enforced." [63] At a still earlier date the foreign representatives had entered

[59] Br. tr. Tientsin, 1858, art. xlv.

[60] Shanghai Chamber of Commerce to Lord J. Russell, Aug. 20th, 1861, Further Papers rel. Rebellion, 1863, p. 165.

[61] "Again and again have your ministers [the memorialists] discussed this subject with Mr. Hart, their proposal being that such native produce should be taxed in the Chinese way by every office it passes; he agreed that this procedure could not be pronounced wrong, but he feared it would be met by many objections from the foreign envoys."—Memorial to throne by Tsungli Yamen, July 7th, 1861, in North-China Herald, Nov. 2nd, 1861.

[62] Cf. *antea*, § 2.

[63] Customs notification, July 22nd, 1861.

into negotiation with the government on the subject,[64] and in September it was agreed that Chinese produce conveyed coastwise from port to port was to pay full export duty at the port of shipment, and at the port of entry a coast-trade duty amounting to half the tariff duty [65]; this coast-trade half-duty was refunded if the produce was shipped to a foreign country within three months, a period subsequently extended to one year.[66] This arrangement was a surrender by the Chinese government of all its demands as regarded Chinese produce ultimately shipped to foreign countries; but, on produce carried coastwise and retained for home consumption, it obtained a half-duty additional to the export duty.

§ 13 Underlying this surrender of Chinese rights was the whole question of the coasting trade—whether foreign merchants, who had acquired the right to convey foreign products from port to port, had also acquired the right to convey Chinese produce on a voyage originating in one Chinese port and ending in another. From this traffic aliens had always and in all countries been excluded—in Europe from the time when the guilds were able to mould the commercial policy of the nations, and in Asia wherever the native authority was able to control the operations of aliens. To this day aliens are strictly excluded from a coasting trade comprising New York and San Francisco in one system, and Odessa and Vladivostock in another; and in England, the modern enemy of commercial restriction, the alien was not admitted to share in the coasting trade until 1854. Before this date the English merchant, who in England was still excluding the foreigner, in China was actively pushing a trade in which he had no right to share, but which he found profitable and desired to extend [67]; and where the English merchant

[64] I. G. Circ., July 4th, 1861; memorial of Tsungli Yamen, July 7th, 1861, *ubi sup.* [N.B. "I. G. Circ." here and later indicates circular despatches issued by the Inspector General to the commissioners of customs at all ports.]

[65] *Ibid.*, Sept. 8th, Nov. 4th, 1861.

[66] *Ibid.*, Aug. 20th, 1863; Mr. Burlingame to Prince Kung, April 16th, 1863, to Mr. Seward, June 26th, 1863, U.S. For. Rel., 1863, ii, pp. 876, 877.

[67] "The right to participate in the coasting trade of China has never been granted to British subjects by express enactment; but as this is now well established, and is rapidly growing into importance, it has become very requisite to guard and define it by specific regulations."

went, others, notably the enterprising Americans and Germans, were not backward in joining him, and all together gained illicit admittance to the coasting trade through the connivance of the local officials.[68] The policy of the Chinese ministers, however, was unchanged, and it was still their wish to reserve this trade for their own people. There were many reasons for this. There was above all the fear of admitting the foreigner, whom they could not control, in place of the native, who had no rights which they were bound to respect. Then foreign ships were safer and speedier, and insurance could be effected on their cargoes which was not possible on goods shipped by junks; and this facility, together with the limits imposed on the taxation on foreign ships, tended to divert revenue from the offices under purely Chinese control to those offices of which the collection was subject to exact report by foreign agents of the government.[69]

Canton merchants to Lord Elgin, Nov. 18th, 1857, Corr. rel. Lord Elgin's mission, 1857-59, p. 70.

[68] "The flags of many nations are engaged in the prosecution of commerce at these unrecognised ports. . . . With occasional exceptions, the mandarins have likewise tacitly encouraged the visits of foreign [ships], without however openly countenancing the trade."—Mr. J. Jardine to Lord Elgin, Oct. 1st, 1857, *ibid.*, p. 83. Cf. also Michie, "The Englishman in China," i, p. 218.

" . . . Amoy, where the carrying trade to and from Wangchew [Wenchow] and various other non-treaty ports has been almost monopolised by square rigged vessels since the last five years."—F. Wilzer to R. Hart, Swatow, Nov. 16th, 1861.

"The Treaty Regulations, under which foreign trade has been carried on with China, have neither recognised nor provided for coasting trade—and, by coasting trade, I mean the conveyance of Chinese produce from one to another Chinese port—except in the case of peas, beans, rice and coppercash; and although such produce has been for years back transported in foreign bottoms, it was not until the month of September of the present year, that any arrangement was made by foreign powers with China, regulating the conditions under which the advantages of a participation in the coasting trade might be enjoyed by foreign merchant vessels. Previously, some ports granted, while others refused, exemption certificates on Chinese commodities, reported on shipment as for another Chinese port; and in like manner, while there were some ports that recognised such certificates, there were others that collected a second—i.e. import—duty on the goods."—R. Hart to Major Kleczkowsky [Commissioner of Customs at Tientsin], Tientsin, Oct. 14th, 1861.

[69] "If the coasting trade is not properly regulated, dishonest traders will in all probability avoid the heavy duties [on junks] and pay the lighter taxation [imposed on foreign shipping]. . . . Thus, at the discussions your ministers had with Mr. Hart on the coasting trade, it was their wish to make the duties on foreign ships heavier than on junks, in order to prevent Chinese traders from taking advantage of the foreign privilege."—Memorial of Tsunghi Yamen, July 7th, 1861, *ubi sup.*

Moreover, while it may be said that in China the merchant dare not resist the exactions of the officials, it must also be stated that the officials cannot resist the merchants' guilds, as exemplified in the prohibition to foreign shipping to load pulse, a restriction imposed at the dictation of the powerful Shantung shipping gild and removed only owing to the impotence of the government in the crisis of the Taiping rebellion [70]; and this power could not be ignored when it was a question of admitting the foreigner to a share in the coasting trade.

§ 14. The other Western powers took no active part in settling this question and allowed their merchants to obtain such a share in the trade as they might wish and as the Chinese officials might permit; but the British government never gave any encouragement to the demands of the English merchants. In 1843 the junk trade between Hongkong and Chinese ports was treated as coasting trade and was placed under Chinese control, and Lord Palmerston was even ready to admit the Chinese customs collector to the colony of Hongkong [71]; but the free-trade sentiments of the Hongkong merchants frustrated all attempts in this direction. Then during the succeeding years foreign traders engaged in the trade, without express sanction but without much opposition; and in 1861 they felt justified in complaining that "the foreign carrying trade between port and port, which since the first opening out of the country had been gradually extending and becoming a source of large employment to foreign shipping, will be virtually destroyed" [72]; and in declaring that restrictions on their enjoyment of this trade were "in opposition to long-established custom under the treaty of Nanking and to the spirit pervading the treaty of Tientsin." [73] This attitude did not commend itself to the British envoy, who was of opinion that "the privilege of sharing in the coasting trade, which was granted under different conditions at different ports, is not a right which, according to my construction, can be

[70] Cf. chap. vi, § 6.

[71] Cf. "Conflict," chap. xi, § 17; chap. xii, § 16.

[72] Hongkong Chamber of Commerce to Lord J. Russell, Aug. 26th, 1861, Further Papers rel. Rebellion, 1863, p. 161.

[73] Shanghai Chamber of Commerce to same, Aug. 20th, 1861, *ibid.*, p. 165.

claimed by treaty, nor can the Chinese government be debarred from putting it under general regulations.”[74] He further held that “as to coasting trade in Chinese produce, the subject was not dealt with by the treaty of Tientsin, on the ground that it was not a right so recognised by international practice in Europe, as to justify us in imposing it by force” [75]; and that “a lax practice at the ports, on the part of the local authorities, does not give to those who benefit by it a right corresponding to one claimed under treaty, nor does it deprive the central government of its power to enforce its treaty rights.”[76] These opinions were approved by the British government [77]; they were sound, and they were based on justice and on a recognition of China’s rights; but circumstances were too strong and they could not prevail. Owing to the weakness of the government, partly from the incompetence and corruption of its agents, partly from the effects of rebellion and piracy,[78] the foreign trader had obtained his footing; and the vested interest thus created was solidified by the introduction of steamers which have by degrees absorbed the bulk of the coasting trade.[79]

[74] Mr. Bruce to Shanghai Chamber of Commerce, Sept. 23rd, 1861, *ibid.*, p. 170.

[75] Mr. Bruce to Earl Russell, Nov. 10th, 1861, *ibid.*, p. 181.

[76] Mr. Bruce to Shanghai Chamber of Commerce, Nov. 12th, 1861, *ibid.*, p. 192.

[77] “Her Majesty’s government are of opinion that you have supplied a sufficient answer to this objection [against restrictions placed on the coasting trade] in your despatch.”—Earl Russell to Mr. Bruce, Feb. 26th, 1862, *ibid.*, p. 196.

[78] “In 1855 trade and shipping were suffering from the presence of the rebels in the province and the prevalence of piracy on the coast. As some relief to trade, I persuaded the local authorities to grant, for the time being, exemption certificates upon Chinese as well as upon foreign goods; and the merchants of Shanghai have since enjoyed this privilege, which they were in no wise entitled to by treaty, until its [attempted] withdrawal by Prince Kung, with the approval of Mr. Bruce.”—Memorandum by H. N. Lay, Jan. 11th, 1862, *ibid.*, p. 171. Cf. also Appendix F.

[79] In 1870, of a total of 6,908,000 tons of shipping entered and cleared at all the ports, 5,059,000 tons were steamers and 1,849,000 tons were sailing vessels, including no junks; in 1911 the figures were, total 85,772,000 tons, steamers 80,084,000 tons, sailing vessels 5,688,000 tons, the latter including no less than 5,052,000 tons of junks, and only 636,000 tons of foreign sailing vessels. In 1911, of the total, 25,919,000 tons were engaged in the foreign trade and 59,853,000 tons in the coasting trade; in the latter were 45,945,500 tons under foreign flags and 13,907,500 tons under the Chinese flag. These statistics are of shipping entered and cleared at the offices under the Inspectorate General of Customs, and do not include the “native customs.”

§ 15. In all these questions the foreign envoys worked to secure a satisfactory settlement. They took the treaties as the law, and, paying no attention to provincial needs or to the degree in which the enforcement of treaty stipulations might disturb the constitutional government of the empire or weaken its power of suppressing rebellion, they demanded the carrying out of every stipulation conferring privileges on their nationals. This was their duty. They were under an obligation, not to make the law, but to interpret the law as made in June 1858; and in carrying out this obligation they interpreted the law in its letter, without seeking to extend it according to its spirit. In acting thus they acted as statesmen, helpful to China, but serving the best interests of their own country. The merchants, on the other hand, beneficiaries of the treaty stipulations, were more inclined to take the treaties as a starting-point, and, interpreting them according to their spirit, to make them the means of obtaining further privileges, not specifically secured to them, in trade, in customs taxation and regulation, and in the development of their municipalities. The foreign envoys resisted this pretension in all cases where the Chinese government appeared to be treated with injustice and to be called upon to concede what had not been specifically granted; but, with the departure of Sir F. Bruce in 1865 and of Mr. Burlingame in 1867, all regulating influences seemed to have been removed, and the utmost pretensions of the merchants, commercial, fiscal and municipal, have in course of time, one after the other, been attained.

§ 16. In the discussion of fiscal matters during this formative time the influence of Mr. Hart was strong. Besides the opportunities found in long interviews, he was allowed to give Prince Kung and his colleagues in the Tsungli Yamen memorandums on various subjects, and these were embodied in memorials to the throne, said to have been the last on foreign questions which were submitted to the emperor Hienfeng.[80] The subjects included trade on the Yangtze, parts of which were still under the control of the Taiping rebels; the admission of foreign ships to the coasting trade, and the duties to be levied on this trade; the regulation of inland transit; the

[80] North-China Herald, Nov. 2nd, 1861.

taxes on opium imported, and the suppression of certain agencies collecting a provincial tax and thereby giving exemption from the imperial duty; the control of salt smuggling, especially between Hongkong and Canton; substituting imperial control direct over the customs offices instead of through the provincial authorities; and the regulation of the customs service, with a fixed allowance for its maintenance.[81] Mr. Hart's proposals were all supported by Prince Kung and were approved by the emperor,[82] and they formed the basis of all regulations made in those matters, instructions to that effect being sent by him to the commissioners during 1861 and the following year.

§ 17. One of the questions taken in hand in these early years was the application of the tonnage dues on shipping. In the factory days the port charges were exceedingly heavy, amounting in open and regular levy to not less than six taels a ton,[83] in addition to irregular and uncertain exactions to facilitate the discharge and despatch of the ship, which raised the total to an amount of close on nine taels a ton burden, probably equivalent to ten taels a ton register. This charge was only for the privilege of entering port and trading there, and in return for it "the Chinese government had hitherto done nothing towards facilitating commercial intercourse by building lighthouses, laying down buoys or moorings, and erecting beacons"[84]; and in considering the dues to be substituted for "all the old charges of measurement, entrance and port-clearance fees, daily and monthly fees, etc., [which] are to be abolished,"[85] it was declared that "therefore it necessarily follows that these charges should be exceedingly light and equally well defined as the duties."[86] The tonnage dues were accordingly in 1843 settled at Tl. 0.50 a ton, and in 1858 this charge was further reduced to Tl. 0.40 a ton.[87] This was designed

[81] Memorial of Tsungli Yamen, July 7th, 1861, *ibid*.

[82] Imperial edict, July -, 1861, *ibid*.

[83] Cf. ante, chap. i, § 1; "Conflict," chap. iv, § 16.

[84] Sir H. Pottinger to High Commissioner Ilipu, Jan. 21st, 1843, Chinese Repository, Jan. 1843.

[85] Agreement regarding shipping dues, July 1843, *Treaties*, i, p. 176.

[86] Sir H. Pottinger to Ilipu, *ubi sup*.

[87] The French treaty (art. xxii) stipulated for a charge for tonnage dues of Tl. 0.50 a ton, but, under the "most favoured nation" clause,

to be an addition to the revenue in substitution for the old charges; but in rule x of the Rules of Trade of November 8th, 1858, it was incidentally stipulated that the Inspector General of Customs should be concerned "also in the distribution of lights, buoys, beacons and the like, the maintenance of which shall be provided for out of the tonnage dues." The Chinese mandarin does not naturally, of his own volition, provide for a public service from general funds, and for a time no part of the tonnage dues was set aside by imperial authority for the purpose so designated; but, in November 1864, Mr. Hart induced the government to pay over to him one-tenth of the tonnage dues collected, "to be appropriated by me to such uses, in connexion with harbour improvements, etc., as I may deem expedient." [88] In 1868 he was entrusted with seven-tenths of the collection from foreign ships, and in 1877 he received also seven-tenths of the tonnage dues on Chinese ships entered at the maritime customs. It may be mentioned here that the remaining three-tenths of the tonnage dues were devoted by the government to education on Western lines, [89] and this was continued from 1863 until the disorganisation caused by the Boxer rising in 1900. The one-tenth in 1865 amounted to Tls. 26,910, and the seven-tenths in 1911 to Tls. 942,470. From this fund there were established at the end of 1911, under the control of the Inspector General, 180 lights, 138 buoys and 119 beacons; and the lights were maintained by a staff of 55 foreign and 407 Chinese lightkeepers.

§ 18. Pilotage was another matter which was soon regulated. The representatives of the Western powers recognised that consular authority was not sufficient to control the berthing in port of shipping of all nationalities, all claiming the most desirable berths at a time when there might be between one and two hundred ocean-going ships in port; and the first foreign official to be appointed to assist the Chinese authorities was a harbour-master,

French ships paid no more than the TL 0.40 provided for in the British and American treaties. The tonnage dues amounted in 1864 to Tls. 293,180, and in 1911 to Tls. 1,346,385.

[88] I. G. Circ., Jan. 6th, 1865. Cf. Appendix B.

[89] Ibid., Aug. 22nd, 1863.

appointed in 1851 at Shanghai.[90] But there was some jealousy felt in regard to pilotage, and the old abuses at Canton left as their heritage a resolve to retain the control of this service in the hands of the consuls; all the treaties left ships at liberty to engage such pilots as they pleased,[91] and the French treaty provided further that pilots for French ships should be commissioned by the French consul "de la même manière que cela se pratiquerait pour d'autres nations." [92] Assumption went so far as to claim that at all ports a French pilot should always be in readiness to pilot any French ship which might arrive; and, on the opening of Newchwang, the British consul drew up regulations for British pilots at that port. At other ports, however, the consuls united in requesting the Chinese authorities to "transfer the superintendence of the pilots from themselves to the customs," [93] and the practical convenience of this method led to its general adoption. General regulations were accordingly drawn up in 1867, and, as amended in 1868, are those now in force. By these the act of licensing the pilot was done by the sovereign power of China, as represented by the commissioner of customs; all Chinese and subjects of treaty powers were eligible; appointments were made by a board consisting of the harbour-master and three nominees of the shipping and insurance interests; and disciplinary powers were in the hands of the harbour-master, subject to a right of appeal to any consul concerned.[94] As pilotage was made non-compulsory, there was general agreement with the advisability of placing certain extra-territorial powers in the hands of the harbour-master—but this officer is the subordinate of the commissioner, who acts under instructions from the Inspector General. The spirit in which this charge has been borne may be estimated from a case occurring at Newchwang in 1874. A pilot had been sentenced to imprisonment for assault, and was thereby rendered incapable of performing his

[90] Cf. chap. i, § 11.

[91] Brit. tr. Tientsin, 1858, art. xxxv; Am. tr. Tientsin, 1858, art. xvii; Pruss. tr. Tientsin, 1861, art. xi.

[92] Fr. tr. Tientsin, 1858, art. xv.

[93] R. Hart, Memorandum, March 26th, 1867, I. G. Circ., Dec. 31st, 1870.

[94] I. G. Circ., April 26th, 1867, Oct. 28th, 1868.

duties ; in such a case the harbour-master had power to suspend or dismiss ; and, in advising that this action be taken, Mr. Hart added :

“ My own views are opposed to the regulation which limits and fixes the number of pilots at each port in China : I am of opinion that the working of natural laws of demand and supply might fairly be trusted to, and I would limit customs action to seeing that licences are not issued except to duly qualified men, or retained except by the continuously efficient, thus leaving consuls to deal with unlicensed piloting and with misconduct of any kind on the part of their extraterritorialised nationals.”[95]

[95] Mr. Hart to Newchwang commr., customs archives.

CHAPTER VIII

EMIGRATION

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§ 1. THE imperial government of China has always consistently refused to sanction the emigration and expatriation of its subjects.[1] Emigration might be tolerated if application were made for a permit, to be granted for special reasons; but, without a permit, the unlicensed emigrant was liable to severe punishment. But the law in this respect, involving as it did even capital punishment, was far too severe for a weak government to carry into execution.[2] This failure to enforce the law characterised the time of weakness and corruption in the rule of the Manchus, but in the time of their strength some

[1] "The old law forbidding Chinese to leave the country, however obsolete and practically ineffective."—R. Alcock to Sir J. Bowring, Canton, April 12th, 1859, corr. resp. "Emigration," 1860, p. 7.

[2] Memorandum by Harry S. Parkes, Canton, Sept. 1852, corr. resp. "Emigration from China," 1853, p. 23.

spasmodic efforts were made to check emigration, and, when that was not possible, to punish breaches of the prohibitory law. The first two Manchu emperors, in order to protect the coasts of the mainland from the ravages of Koxinga, the Ming partisan then holding Formosa,[3] rigidly enforced the prohibition of emigration to that island; and all subjects caught in the act, or returning from Formosa, were decapitated.[4] In 1717 all subjects abroad were summoned to return to their home and allegiance, those who had been abroad for fifty-six years being graciously exempted from all penalties; and in 1728 the "orthodox" emperor Yungcheng decreed that no Chinese subject then abroad without licence should ever be allowed to return to China.[5] This law was broken in 1749 by Chen Yi-lao, a native of Fukien, who had gone without licence to Java and had there risen to be "capitan China"; returning, also without licence, he was arrested and condemned by imperial decree to banishment to the frontier, and confiscation of all his possessions.[6]

§ 2. "The old prohibitory law has not been repealed, but it has repealed itself." [7] This declaration by a Chinese statesman in 1893 had been true long before, certainly prior to 1842. Emigration to Formosa, subjugated and annexed in 1683, had been sanctioned by law about 1874 [8]; but the prohibition to other places continued. And yet emigration went on, unregulated because illegal, [9] and unrestricted because unregulated. For centuries the Chinese had emigrated to the islands of the Eastern Sea—Formosa, Luzon, Hainan—and to the lands

[3] Cf. "Conflict," chap. iii, § 10.

[4] Memorial to throne by Hsieh Fu-cheng, from Shanghai Shenpao, Nov. 14th, 1893, in "China Review," vol. xxi, No. 3, p. 138.

[5] Ibid.

[6] Ibid.; memorandum by H. S. Parkes, ubi sup. The convict's possessions doubtless amounted to a considerable sum, otherwise the matter would hardly have been made the subject of a memorial to the throne.

[7] Memorial of Hsieh Fu-cheng, ubi sup.

[8] Ibid.

[9] "I asked him [the Amoy Haifang] if it were not possible for him to direct a minor mandarin to visit the coolie sheds and ships, to ascertain if any were in confinement or being expatriated against their will; he said, certainly not, as to regulate would be to recognise the propriety of emigration, which was contrary to Chinese law."—Commander Fishbourne to Captain Massie, Amoy, Dec. 15th, 1852, "Emigration," 1853, p. 90.

of the Southern Sea—Malacca, Java, Sumatra; and had either colonised them and taken them into their entire occupation, as in the case of Formosa and Hainan, or had absorbed the most profitable part of their trade and industries, as has occurred through the whole of the Malay archipelago. In 1904 it was estimated that in the belt of these lands, from Formosa in the north to Java in the south and Burma in the west, not less than seven million [10] Chinese emigrants and colonists were to be found, absorbing all profitable occupations and converting the lands of their new homes into commercial dependencies of the Chinese race.

§ 3. In the old days the emigration to these circumjacent lands went by junks sailing out and home with each change of monsoon; but in time the call of transoceanic lands was heard, and then foreign ships, with their foreign owners and foreign crews, were called into service. For the goldfields of California [11] and Australia [12] attracted the Chinese like flies to a garbage heap; and the planters of the past and present American colonies of England and Spain, especially Peru and Cuba, looked to China as a field for recruiting labour for the development of their estates. The first recorded shipment of contract labourers to the American continent was from Amoy [13] in 1847, in which year about 800 nominally "free labourers" were despatched to Cuba, and, it was reported, they "have thriven and realised the expectations formed of their labour." [14] From this date emigration to the West Indies and to Central and South America assumed entirely the form of "contract labour"; while that to California and Australia was uniformly and actually "free emigration," and it was generally conceded that emigrants to both the last were well treated. [15] Encouraged by this treatment and by reports of the vast wealth brought back by returning emigrants, the numbers

[10] Figures summarised in the author's "An Inquiry into the Commercial Liabilities and Assets of China in International Trade," Shanghai, 1904.

[11] California—in colloquial Chinese Kin-shan, "Golden Mountain."

[12] Australia—similarly Sin-kin-shan, "New Golden Mountain."

[13] Cf. "Conflict," chap. xiii, § 18.

[14] Memorandum by H. S. Parkes, *ubi sup.*

[15] "The United States want no coolies, and the Chinese emigration to California is now almost wholly confined to independent emigrants

leaving to search for Eldorado in California, 323 in 1849, the year in which gold was first discovered in the state, rose to 2716 in 1851, and 18,434 in 1852; and in the twenty years from 1849 to 1868 the total arrivals of Chinese at San Francisco were 108,471, of whom, in the same years, 45,887 returned to their homes carrying with them the results of their patient toil.[16] The emigration to Australia in these years was no less. In 1853, of 14,991 Chinese emigrants leaving Hongkong "in square-rigged vessels," 3042 went to California and 10,467 to Australia, viz. to Port Philip, Melbourne and Hobson's Bay.[17]

§ 4. This free emigration gave rise to no especial incidents; but in the emigration of contract labourers to the sugar estates and guano islands of Central and South America there were abuses of the most serious character. The abuses began at the roots of the system. Among a

who pay their own passage money, and are in a condition to look to their own arrangements."—Dr. Bowring to Lord Malmesbury, Jan. 5th, 1853, "Emigration," 1853, p. 83.

"Upwards of 800 Chinese have returned from California. . . . They appeared all of them to have plenty of money and stated their intention of returning to California. . . . The return of Chinese under such favourable circumstances must naturally stimulate emigration to that quarter. . . ."—Letter of J. T. White [Emigration Officer], Hongkong, Dec. 26th, 1853, in Colonial Office to Foreign Office, March 28th, 1854, "Emigration," 1855, p. 13; also "Emigration," 1858, p. 14.

This good treatment was, however, only relative, when contrasted with the cruelty practised in other immigration centres. "Having shown the hostility of the legislature of this state towards the Chinese, I think it proper to say a few words about the hostility of the people. . . . Ever since 1852 there has been a strong feeling of antipathy to the Chinese in this city and state. . . . Over 100 unpunished murders and over a million dollars of unrecovered stolen gold-dust. . . ."—D. Cleveland to J. Ross Browne, San Francisco, July 27th, 1868; Mr. Browne to Mr. Seward, same date; U.S. For. Rel., 1868, i, p. 530.

[16] D. Cleveland to J. Ross Browne, *ubi sup.*

An incident which occurred to the author in 1893 throws some light on the usual result to a returned Chinese emigrant. At a railway station in Formosa he was addressed in fluent and correct English by the proprietor-cook of the station restaurant; and, in answer to an expression of astonishment, the Chinese explained why he was there. He had returned from California with a fortune of \$2000. He had first to disburse heavily to remain unmolested by the magistrate and his underlings; then he had to relieve the necessities of his aged father; then an uncle, who had fallen into business difficulties, must be rescued from impending bankruptcy; and then he found he had only enough left to procure himself a wife, with a few dollars margin wherewith to establish himself in his present business, which at most would require \$100 capital. See also *antea*, § 1, case of Chen Yi-lao.

[17] Sir J. Bowring to Colonial Office, Oct. 6th, 1855, "Emigration," 1858, p. 21.

people traditionally slow to move, and in a class unable to read, general inducements were of no avail, and it was necessary to employ collecting agents, whose character may be fitly expressed by the word "crimp." These men were given a capitation fee for every emigrant they brought to the receiving depot, or "barracoon," at the port of departure. This fee was at the outset three dollars a head [18]; but no check on malpractices was possible, and, in addition, they "appropriated to themselves, on the score of defraying expenses," the money advanced to the emigrants, which, at the outset, was \$8 each, [19] but might, officially even, be much more, [20] and, in the competition of forwarding agents, might come to a hundred dollars a head. [21] With such rewards dangled before their eyes, the reckless and irresponsible crimps lost no opportunity, and adopted every known method to draw their fellow-countrymen as far as the entrance door of the barracoon—there their responsibility ended. [22] The emigrant might be beguiled by a glowing vision of California to enlist for Cuba; the conditions in Cuba might be portrayed with their dismal greys toned up into golden hues; he might be tempted by the sight of more dollars than he had ever owned before, but which would escape him in the end; he might be brought into debt to the crimp, and forced to redeem his debt by indenturing his person; a near relative might be brought to the verge of disaster that the emigrant might be forced to come

[18] Dr. Bowring to Lord Malmesbury, Jan. 5th, 1853, "Emigration," 1853, p. 83.

[19] Consul Backhouse to Dr. Bowring, Amoy, Jan. 11th, 1853, *ibid.*, p. 96.

[20] "The French emigration agent has found it necessary to give \$20 instead of 8 dollars."—H. S. Parkes to Mr. Bruce, Canton, Jan. 27th, 1860, "Emigration," 1860, p. 124.

[21] "Events . . . have given a strong impetus to the Cuban Agents at Macao; I am told that as much as 95 dollars a head is paid to the crimps."—Consul Winchester to Mr. Bruce, Canton, Feb. 22nd, 1860, *ibid.*, p. 126.

[22] The evidences of this are too numerous to be cited, and on authority too respectable to be ignored. They are to be found on every page of the British blue-books, "Emigration," 1853, 1855, 1858 and 1860; and in the books of every writer who has touched on the subject. One writer, neither English, American, Spanish, nor Hispano-American, may be cited: "Lastly one must bear in mind the thousand artifices which the recruiting bodies make use of to entrap their victims."—Baron von Hübner [formerly Austrian Ambassador], "A Ramble round the World" [in 1870-71], p. 607.

to his relief; the enticements of the brothel and the gaming house were used to entrap him; he was given drugged wine and aroused from his stupor to find himself within the gates of the barracoon; and, if all else failed, he was forcibly kidnapped.[23]

§ 5. The barracoon was originally the receiving depot of the agent collecting emigrants for one ship sailing to one destination; but in no long time independent depots were established, "and in these the emigrants are assembled until a favorable opportunity arrives for disposing of them in batches to the speculators loading vessels." [24] In both classes the conditions were the same. The pledged emigrant was charged with the head-money paid to the crimp, with the advance made, nominally, to himself, and with the cost of maintenance in the depot. This charge amounted normally to between \$25 and \$30, and the emigrant was transferred to the ship for a sum normally of \$60 to \$70 [25]; on occasions the charge might amount to \$100.[26] Without repayment of this charge the emigrant was not free to leave; and, as a single dollar was to him a great sum, he ceased to be a free agent from the moment he entered the doors of the depot,[27] his departure from it being absolutely prevented.[28]

[23] Petition of committee of Canton merchants to viceroy, April 6th, 1859 (names of 11 men kidnapped), "Emigration," 1860, p. 3; proclamation against kidnapping, April 11th, *ibid.*, p. 8; petitions (5) re persons kidnapped on American schooner *Swallow*, *ibid.*, p. 10; depositions (41) of Chinese kidnapped, *ibid.*, pp. 24 seq.; 51 kidnapped men removed from American ships and 59 from an Oldenburg ship in one day, *ibid.*, pp. 60, 70, 82; depositions (107) of Chinese kidnapped, *ibid.*, pp. 98 seq.; all (430) emigrants on one ship refused to proceed, *ibid.*, p. 121. This is the record of one year at one port (Whampoa, Canton) which was under official supervision.

[24] "The Treaty Ports of China and Japan," by Mayers, Dennys and King, s.v. Macao, p. 228.

[25] *Ibid.*; "Emigration," 1858, p. 13.

[26] *Cf. antea*, § 4.

[27] "I have myself seen the arrangements for the shipment of coolies at Amoy; hundreds of them gathered together in barracoons, stripped naked, and stamped or painted with the letter C (Cuba), P (Peru), or S (Sandwich Islands) on their breasts. . . . A trifle advanced to give their hunger food, a suit of clothes to cover their nudity, a dollar or two for their families, and candidates in abundance are found for transportation to any foreign land."—Dr. Bowring to Lord Malmesbury, Aug. 3rd, 1852, "Emigration," 1853, p. 3.

[28] Q. "Can you explain why, if these men were not in confinement, they should prefer escaping [from the depot] through the water-closet in

§ 6. To the ocean-going foreign shipping the coolie trade provided a golden harvest. The emigrants themselves, or the contractor for them, laid in the stock of food sufficient for a voyage which was calculated to last from 56 to 75 days [29] to the Sandwich Islands, from 75 to 100 days to California, from 147 to 168 days to Cuba, and 120 days in either season to Peru; the space allowed for each emigrant was 12 square feet, in lieu of the 15 feet provided by the act of the United Kingdom; the coolie contractor was bound to provide for each adult passenger $1\frac{1}{2}$ lb. of rice and $\frac{1}{2}$ lb. of pork a day, besides certain condiments; and the ship found water, 1 gallon, and fuel, 3 lbs., a day for each. [30] These were the requirements for ships clearing from Hongkong, and for British ships under consular supervision within the limits of a treaty port. But non-British ships were under no such supervision nor subjected to such limitations [31]; and, except in the case of British official agencies shipping coolies to Demerara and Trinidad, all were free to ship from non-treaty ports. This was contrary to law, but it became the regular practice to avoid all oversight by taking the passengers on board at Macao, Kumsingmoon, Namoa, and other such places. [32] For a voyage to the preference to coming out through the door? A. I supposed they escaped in that way because they were afraid of the brokers."—Evidence of W. Cornabé at investigation at British consulate, Amoy, Dec. 17th, 1852, *ibid.*, p. 71.

[29] The calculation is for passages from Hongkong, the lower figures being for voyages begun from October to March, the higher figures for those begun from April to September.

[30] Proclamation of Sir G. Bonham, Governor of Hongkong, Dec. 28th, 1853, "Emigration," 1858, p. 6.

[31] "Mr. Comstock, agent on behalf of the Panama Railway Company, offered \$70 each for the conveyance of labourers to Panama, and to put 700 on board. . . . The vessel, the *Wilhelmsburg* [under the Oldenburg flag], registers 900 tons, and, according to the English Passengers' Act, could not carry more than 450 emigrants. But 700 passengers at \$70 each is equivalent to 450 at \$109, and this latter is the sum I would have had to offer to place matters on a par."—J. T. White, emigration agent, to Colonial Land and Emigration Commissioners, Hongkong, Dec. 10th, 1853, "Emigration," 1858, p. 11.

[32] "Emigration," 1853, pp. 83, 95; "Emigration," 1855, pp. 31, 72; "Emigration," 1858, pp. 33, 44.

"The shipment of emigrants from the legal ports in China has almost entirely ceased, and is now generally carried on from unlawful places removed from consular control, principally Swatow and Cumsingmoon, in shipping not British, and directed by agents not subjects of Her Majesty."—Sir J. Bowring to Colonial Office, Oct. 6th, 1855, "Emigration," 1858, p. 21.

West Indies or to Peru the normal sum paid to the ship-owner was \$70 for each passenger; this rate seems to have been general,[33] competition taking the form of overloading, and not of reducing the charge. The ships generally took from 300 to 700 passengers, giving a freight list of \$20,000 to \$50,000 for one voyage, with, usually, no return cargo; and, with such earning capacity, it is not surprising to learn that in one year at Hongkong, "one ship of 850 tons was sold for \$85,000, one of 337 tons for \$33,000, one of 140 tons for \$15,000, one of 379 tons for \$30,000, and four or five others at prices equally extravagant." [34] The accounts of the numerous private agencies are, of course, not available; but in the case of one of the few official agencies the total cost of landing each emigrant at destination (Demerara) was \$117, including depot charges and passage money.[35] On arrival, the "coolies with their contract" were sold by auction, realising from about \$200 each to as much as "an average of 400 dollars." [36]

§ 7. The condition of the emigrants on the voyage may be best expressed by the phrase constantly found in official reports and books of the period, that the coolie ships were "floating hells." Even the modest space, 12 square feet—2 ft. \times 6 ft.—allowed by the Hongkong ordinance, was adhered to only in a few cases, and in general the space accorded was only 8 square feet [37] in slow sailing vessels which twice traversed the breadth of the tropics in the passage of 168 days to Cuba, and did not leave the tropics on the voyage of 120 days to Peru; and, in this crowded state, the task of enforcing order and cleanliness was necessarily entrusted to the sailors of the ship. The mortality was great. Statistics, especially to

[33] This rate was, however, often exceeded. "A vessel being required for the conveyance to England of the invalids of the 59th regiment, tenders were called for in the usual way, but only one vessel was offered and the rate required £45 per man. Last year the rate was £30."—Mr. J. T. White to Emigration Commissioners, Hongkong, Dec. 26th, 1853, "Emigration," 1855, p. 13.

[34] Lieut. Gov. W. Caine to Duke of Newcastle, May 4th, 1854, "Emigration," 1855, p. 8.

[35] Mr. H. S. Parkes to Mr. Bruce, Canton, Jan. 27, 1860, "Emigration," 1860, p. 124.

[36] Mr. Bruce to Lord J. Russell, Dec. 5th, 1859, "Emigration," 1860, p. 49.

[37] Cf. *antea*, n. 31.

Cuba and Peru, are not readily accessible; but some figures, which formed the subject of investigation, are given. In 1850, of 740 emigrants embarked on 2 ships for Callao, 247 died on the voyage, 33 per cent.[38] In 1852, of 300 emigrants in one ship to Panama, 72 died on the voyage, 24 per cent.[39]; and, of 811 in 3 ships to British Guiana, 164 died on the voyage, 20 per cent.[40] In 1853, of 700 emigrants in 2 ships to Cuba, 104 died on the voyage, 15 per cent. [41]; and, of 425 in one ship to Panama, 96 died, 23 per cent.[42] In 1854, of 325 emigrants in one ship to Callao, 47 died, 14 per cent.[43] In 1856 the ship *Duke of Portland* left Hongkong for Cuba with 332 emigrants, of whom 128 died on the voyage, 39 per cent., from disease and *suicide* [44]; and the ship *John Calvin* (1) with 298 emigrants also for Cuba, lost 135 on the voyage, 45 per cent.[45] In the case of the *John Calvin* all the emigrants except 81 had declared their unwillingness to go and were ordered on shore, but the ship sailed none the less with her full complement, the emigration officer having altered his decision.[46] These are a few of the cases which came to light. The ships sailing from Hongkong were under a supervision which was not exercised at other places on the coast of China; and, of 23,928 emigrants shipped in the ten years 1847-1857 from Hongkong to Cuba, 3342 died on the voyage, a general mortality of 14 per cent.[47]

§ 8. The first line of defence of the Asiatic under oppression is suicide. On the ships they adopted this method of protest freely: "The third day I [master of the *Duke of Portland*] had the first suicide, and on an

[38] Consul D. B. Robertson to Foreign Office, Hongkong, Nov. 10th, 1854, "Emigration," 1855, p. 59.

[39] Ibid.

[40] Emigration Commissioners to Colonial Office, July 27th, 1853, "Emigration," 1855, p. 1.

[41] Mr. J. T. White to Emigration Commissioners, Hongkong, Dec. 26th, 1853, *ibid.*, p. 13.

[42] Consul D. B. Robertson to Foreign Office, *ubi sup.*

[43] Ibid.

[44] Minutes of Investigation, ship *Duke of Portland*, Jan. 8th, 1857, "Emigration," 1858, pp. 49 seq.

[45] Colonial Office to Sir J. Bowring, June 27th, 1857, *ibid.*, p. 59.

[46] In the Hongkong Supreme Court, Atty Gen'l vs. Lyall, *ibid.*, p. 83.

[47] Consul-General J. T. Crawford to Lord Clarendon, Havana, Dec. 31st, 1857, *ibid.*, p. 78.

average I had three suicides daily between Hongkong and until I passed the Straits of Sunda.”[48] The same form of protest was adopted against the cruelty practised by their labour overseers: on the Chincha Islands (Peru) “two dozen lashes made them breathless, and, when released after thirty-nine lashes, they seemed slowly to stagger over, reeled and fell, and were carried off to the hospital—in most cases, if they recovered, committing suicide.”[49] But even the timorous rat will turn when cornered, and these timorous coolies not infrequently rose in mutiny against their oppressors. In 1850 the emigrants to Peru on the French ship *Albert* mutinied—“the captain cut their tails; they killed him and landed in China.”[50] In 1851 the emigrants to Peru on the British ship *Victory* “rose and killed the captain and landed in China sea.”[51] In 1852 the emigrants to Peru in the Peruvian ship *Rosa Elias* (with an English master) “rose and killed the captain and landed near Singapore.”[52] In 1852 the emigrants to Cuba on the American ship *Robert Bowne* murdered the master and many of the crew, ran the ship on shore and escaped.[53] In 1857 the British ship *Gulnare* left Swatow (a non-treaty port) for Cuba with 432 emigrants; on the first day out they attempted to take the ship, and when this rising was put down, they tried to set her on fire. The ship then put into Hongkong, when 18 of the emigrants were tried for piracy; three were sentenced to death; one was executed and the remaining seventeen were sentenced to transportation for life. The ship, qualified to carry 338, then proceeded on her voyage with 326 emigrants.[54] In the same year the emigrants on the British ship *Duke of Portland*, on the same voyage as that referred to in this and the preceding section, rose while

[48] Minutes of Investigation, *Duke of Portland*, ubi sup.

[49] Memorial of nine English shipmasters to the Lords of the Privy Council of Trade, London, June 27th, 1854, “Emigration,” 1855, p. 27.

[50] Statement of Chinese shipped to Peru, “Emigration,” 1855, p. 60.

[51] Ibid.

[52] Ibid.

[53] Dr. Bowring to Lord Malmesbury, July 16th, 1852, “Emigration,” 1853, p. 3.

[54] Sir J. Bowring to H. Labouchere, April 10th, 1857, “Emigration,” 1858, p. 62.

the ship was lying in Hongkong harbour and tried to prevent her sailing; the mutiny was suppressed without bloodshed, and the ship proceeded on her voyage.[55] There were besides other cases in which the ship was wrecked, and all on board lost, after a mutiny by her passengers.[56]

§ 9. A question which arose early in the history of the trade was that of the conveyance of women. It was the desire of the official agencies to encourage the emigration of families, who might settle abroad, and not solely of single men, whose one desire would be to return to their homes. The British government was throughout firm on this point [57]; and the colonial emigration agents proposed to advance money to intending emigrants to enable them to get married before sailing.[58] But the British authorities on the spot saw more clearly the evils of the proposal, and refused to support methods which could only lead to organised procuring for purposes of prostitution.[59] Under emigration which was actually "free" to certain British colonies, a considerable number of families expatriated themselves [60]; but in general the great mass of "contract" emigration consisted mainly of single males, and the females shipped abroad were prostitutes.

§ 10. Of the three phases of abuse connected with

[55] Statement of C. May, Supt. of Police, Sept. 2nd, 1857, *ibid.*, p. 69.

[56] One such case of a ship with 850 emigrants cited, Mr. O. Cleverly to consul Winchester, Macao, Dec. 24th, 1859, "Emigration," 1860, p. 61.

[57] "Unless such means as would meet the approval of H.M. government can be devised for securing a due proportion of females, it is not contemplated to make any endeavour to set on foot an emigration of Chinese to the British colonies at the public expense."—H. Labouchere to Sir J. Bowring, Nov. 20th, 1856, "Emigration," 1858, p. 41.

[58] "I see no prospect of procuring women [as emigrants] except by purchase, direct or indirect. If the government will authorise me to advance money for this purpose, I have no doubt of success. Girls of respectable connection may be obtained for about 40 dollars."—Mr. J. T. White to Emigration Commissioners, Hongkong, Dec. 10th, 1853, "Emigration," 1855, p. 10.

[59] "With reference to Mr. White's plan for procuring women in Hongkong, it is practically neither more nor less than to establish, under official protection, a slave market for females in a British colony. Such a scheme is fraught with mischiefs of the most alarming character, and would lead to uncontrollable abuses and abominations."—Sir J. Bowring to Lord Clarendon, June 5th, 1854, *ibid.*, p. 32.

[60] In the winter 1859-60 there were despatched from Canton to Demerara 1547 men and boys, 303 women, girls and infants, total 1850.—Tabular Return, "Emigration," 1860, p. 136.

Chinese emigration—recruiting, conveying and exploiting—the horrors of the last became fully known only at a later period; the evils of recruiting were well known, but could not be adequately controlled by foreign authorities; and control over conveyance could be exercised only at Hongkong and the treaty ports, and that this control was not entirely effective, even over British ships and in a British port, is demonstrated by the case of the thrice-cited *Duke of Portland*. The evils of recruiting, however, at last forced themselves on the notice of the viceroy at Canton, who was fortunate at the time in not being master in his own house, but in being under the dominance of the Anglo-French military commission which supervised the administration of Canton from 1858 to 1861.[61] Petitions from the friends of those who had been kidnapped, and depositions from the kidnapped, poured in to the viceroy's hands during the year 1859; with his own countrymen he dealt promptly, decapitating eighteen convicted kidnappers and sentencing eleven to lesser penalties [62]; and, under the stimulus of advice from the military commission, he at last took the bold step of sanctioning, by regulating, a traffic which was prohibited by the laws of the empire. Over Macao he had lost his authority,[63] and over smaller officials at the smaller ports even a viceroy could no more exercise an absolute control in the matter of emigration than he could in the opium trade; and even at Whampoa, the anchorage for Canton, he was powerless, because the martial law of the military commission covered only the city of Canton. On December 31st, 1859, he sent officers to Whampoa, accompanied by Mr. W. F. Mayers [64] as interpreter on behalf of the military commission, to investigate the truth of certain petitions received. They first visited the Oldenburg ship *Fanny Kirchner*, on which,

[61] Cf. "Conflict," chap. xxi, §§ 16, 17.

[62] Mr. H. S. Parkes to Mr. Bruce, Nov. 10th, 1859, "Emigration," 1860, p. 22. For the petitions, etc., cf. *antea*, n. 23.

[63] Since 1849; cf. "Conflict," chap. xii, §§ 18-23.

[64] "Mr. Mayers . . . has only been in China since June 1859; he has acquired such a knowledge of the language, both oral and written, as to enable him to act as interpreter, and he has shown, in very difficult circumstances, a degree of judgment and firmness which appear to me deserving of the highest commendation."—Mr. Bruce to Lord J. Russell, Jan. 22nd, 1860, "Emigration," 1860, p. 68.

of 100 emigrants then on board, 59 refused to go to sea; the contractor represented that each emigrant was charged with \$45 for expenses, which he would lose; and it was only on the day following, when "the coolies had threatened to revolt and massacre all the Christians on board," that the 59 unwilling emigrants were released; some others disappeared, and ultimately 35 were certified as "willing to emigrate." [65] The officers, accompanied by the American consul, then visited the three American receiving ships at Whampoa collecting for the American ship *Messenger*. Their masters at first refused to allow any officials to come on board, and persisted in refusing admittance to their interpreters; even then 51 unwilling emigrants were taken off and carried to Canton. The viceroy then demanded that the whole, 578, of the emigrants be brought to Canton for examination; the consul demurred, as Whampoa was outside the jurisdiction of the military commissioners, but was instructed by the American envoy, Mr. Ward, to support the Chinese authorities; in the meantime the coolies for the *Messenger* had been sent away to Macao, outside Chinese jurisdiction. [66]

§ 11. Three facts were brought out by these episodes: 1st, the hopelessness of relying on subordinate Chinese officials to examine emigrants on board ship; 2nd, the terrorising power of the crimps; 3rd, the inducement, from their great profits, to the foreign agents to continue the system of violence and fraud. [67] The viceroy, persistent in his desire to check these evils, then wrote to the allied commissioners and the various consuls, [68] and the allied commissioners invited the co-operation of the consuls [69]; and, with their consent, [70] a system of regulating emigration through licensed receiving depots was introduced at Canton, and was extended to Swatow; the inspection in the depots was

[65] Mr. Mayers' reports in Mr. H. S. Parkes to Mr. Bruce, Jan. 12th, 1860, "Emigration," 1860, pp. 69, 87-96.

[66] *Ibid.*

[67] Mr. Bruce to Lord J. Russell, Jan. 22nd, 1860, *ibid.*, p. 68.

[68] "Emigration," 1860, pp. 74-86.

[69] *Ibid.*, p. 97.

[70] Consuls at Canton to the allied commanders-in-chief, Feb. 11th, 1860, *ibid.*, p. 122. The consuls represented Spain, France, America, England, Belgium, Prussia and Oldenburg.

to be conducted by Chinese officers, and on board ship by the newly organised customs.[71] The new procedure was communicated by the British government to the French, American, Russian and Spanish governments, accompanied by a paternal lecture to Spain on her encouragement of the African slave trade, and expressing the hope that a more merciful substitute might be found in the Chinese coolie trade.[72]

§ 12. This philanthropic attitude was not supported by recorded facts, for in the Spanish-American countries the coolies were sold into virtual slavery. As early as 1852 the British barque *Susannah* cleared from Hongkong in ballast, and at Kumsingmoon loaded 325 emigrants for Peru; she arrived with 309 at Arica, where "her passengers were openly offered for sale"; 25 were sold for \$112 each, and "the ship then sailed for Islay to dispose of the remainder." [73] In the same year the coolie emigration was declared to be "not far from the category of another Slave Trade." [74] As late as 1859 a fair-minded observer stated that "the position of the coolies [in Cuba] differs little from that of the slave" [75]; in 1869 it was stated of Peru that "the coolie trade, under its best aspect, can hardly be looked upon as much other than a kind of white Slave Trade" [76]; and in 1871 an independent observer wrote thus:

"I believe the coolie slave trade to be as bad as that of the negroes. During the passage, which is always horrible, the latter perhaps suffered rather more; but, once arrived at their destination, the slaves found in the very interest of their proprietor, a guarantee of comparative well-being. The coolies have not even this advantage; and they tell me that their fate is the more lamentable because they belong to a race which is more civilised and more intelligent than the negroes." [77]

[71] Proclamation of viceroy, March 2nd, 1860, *ibid.*, p. 136.

[72] Lord J. Russell to Lord Cowley (and other ambassadors), July 11th, 1860, *ibid.*, p. 137.

[73] Committee of Privy Council for Trade to Foreign Office, Aug. 4th, 1854, "Emigration," 1855, p. 31.

[74] Dr. Bowring to Lord Malmesbury, Dec. 24th, 1852, "Emigration," 1853, p. 31.

[75] Richard Henry Dana, jr., "To Cuba and Back," cited in Mr. Bruce to Lord J. Russell, Dec. 5th, 1859, "Emigration," 1860, p. 49.

[76] Mr. Jerningham [Minister Resident] to Lord Clarendon, Lima, March 9th, 1869, "Emigration from Macao," 1871, p. 1.

[77] Baron von Hübner, "A Ramble round the World," p. 607.

§ 13. The official attitude of the British authorities was above reproach, and so was that of the French authorities [78]; and the American government was ready to co-operate in any measures which might be adopted to remedy the proved evils. Some of the other powers may be regarded as either indifferent or adopting a policy of passive resistance—notably Spain, Portugal and Peru. The matter of regulation was taken up by the British and French envoys at Peking, and, on March 5th, 1866, a tripartite convention was signed, providing for the recruitment, retention in depot, shipment, condition of work and payment, and repatriation of contract emigrants.[79] Due execution was to be enforced jointly by the consul concerned and the Chinese authorities, the latter represented in the depot by Chinese officers and on board ship by the customs. Prince Kung declared on behalf of China, 1st, that the prohibition of emigration was abrogated, 2nd, that kidnapping remained punishable by death, and, 3rd, that shipment could be permitted only in ports where joint supervision was possible. The American, Russian and Prussian envoys, though not parties to the convention, expressed their formal approval.[80] Some of the provisions were not approved by the French government and ratification was refused by the two Western powers; but the Chinese government has consistently declared that contract emigration, when carried on, could be permitted only under the conditions prescribed in this convention.[81]

§ 14. With the perfected organisation of the customs—China's right arm in international relations—and the stricter control exercised by the Inspectorate General, foreign shipping was forced from non-treaty ports, and emigration on Chinese soil was possible only at the treaty ports. There the "contract" was seldom brought to light; emigration to California and Australia was always

[78] Consul Winchester to Sir J. Bowring, Amoy, Feb. 14th, 1855, "Emigration," 1855, p. 74; Mr. H. S. Parkes to Mr. Bruce, Canton, Nov. 26th, 1859, "Emigration," 1860, p. 44.

[79] Treaties, i, p. 275; Michie, "The Englishman in China," ii, p. 172.

[80] Michie, loc. cit.

[81] R. Hart to Canton commissioner, April 13th, 1874, April 19th, 1880; to H. B. Morse, Oct. 7th, 1889; to Kiungchow commissioner, Jan. 10th, 1890.

"free," but the raw material of labour could be carried to Cuba and Peru only by a continuation of the system of advances and contract. In the early years this emigration was chiefly from Canton, and there depots were established, imposing some check on malpractice. To evade this slight restraint the agents found in Macao, under the Portuguese flag, a haven of refuge suited to their needs; and there the coolie trade flourished for some years, providing for that decayed colony its only source of prosperity from "the exportation of involuntary emigrants."

"The coolies sent abroad are divided into three classes, viz.—prisoners taken in the clan-fights which are of constant occurrence in the province of Kwangtung, who are sold by their captors to Chinese or Portuguese man-buyers upon the interior waters; villagers or fishermen forcibly kidnapped along the coast, chiefly by lorchas manned by half-castes from Macao; and thirdly, individuals who are tempted by prowling agents to gamble, and who, on losing, surrender their persons in payment according to the peculiar Chinese notions of liability in this respect. . . . The expenses of collecting . . . keeping . . . and shipping . . . raise the cost per caput to something under \$200. On arriving at Havana the contracts of the surviving emigrants are put up at public auction, bringing on an average some \$350." [82]

In the year 1865 Macao shipped 5207 coolies to Cuba and 8417 to Peru, and Canton shipped 2716 to Cuba. [83]

§ 15. This trade, like the old trade from the Chinese ports, [84] was marked by a series of piracies, mutinies and suicides. In October 1870 such a mutiny occurred on the French ship *Nouvelle Penelope*, with 310 coolies from Macao to Callao, the captain and several of the crew being murdered. [85] Soon after, the Peruvian ship *Don Juan*, with 655 emigrants from Macao to Callao, was set on fire by her passengers when near Hongkong; the crew took to the boats, but 500 of the passengers were burnt. [86] In 1872 the Spanish steamer *Fatchoy* sailed from Macao to Havana with 1005 coolies; three serious

[82] "The Treaty Ports of China and Japan," by Mayers, Dennys and King, s.v. Macao, p. 228. This encyclopædic work is of especial authority as containing facts which were, probably, of general notoriety.

[83] *Ibid.*, p. 229.

[84] Cf. *antea*, § 8.

[85] "Emigration from Macao," 1871, p. 7.

[86] *Ibid.*, 1872, p. 1.

attempts at mutiny, and one attempt to set fire to the ship, occurred on the voyage; and, on arrival, her passengers were "immediately contracted or sold to the planters, and are as much slaves as the negro bondmen throughout Cuba." [87] The situation became so serious that the Chinese government in 1874 despatched an official commission of inquiry to Cuba, consisting of Chen Lan-pin, with Messrs. A. Macpherson and A. Huber, commissioners of customs. They held inquiries in the depot, barracoon and jail in Havana, and on several plantations in the country, and took in all 1726 personal depositions, besides receiving 85 petitions with 1665 signatures; and the testimony was summarised as follows:

"The depositions and petitions show that eight-tenths of the entire number declared that they had been kidnapped or decoyed; that the mortality during the voyage from wounds caused by blows, suicide and sickness exceeded ten per cent.; that on arrival in Havana they were sold into slavery, a small proportion being disposed of to families and shops, whilst the large majority became the property of sugar planters; that the cruelty displayed even towards them of the former class is great, and that it assumes, in the case of those of the latter, proportions that are unendurable. The labour, too, on the plantations is shown to be excessively severe, and the food to be insufficient; the hours of labour are too long, and the chastisements by rods, whips, chains, stocks, etc., productive of suffering and injury. During the past years a large number have been killed by blows, have died from the effects of wounds, and have hanged themselves, cut their throats, poisoned themselves with opium, and thrown themselves into wells and sugar caldrons. It was also possible to verify, by personal inspection, wounds inflicted on others, the fractured and maimed limbs, blindness, the heads full of sores, the teeth struck out, the ears mutilated, and the skin and flesh lacerated, proofs of cruelty patent to the eyes of all. On the termination of the contracts the employers, in most cases, insist on a renewal of engagements, which may extend to even more than ten years, and during which the same system of cruelty is adhered to. . . . Moreover, since 1861 the issue of cedulas has ceased, rendering liability to arrest universal . . . and to their being carried away to the endless misery of a depot. . . . Almost every Chinese met by us was, or had been, undergoing

[87] Consul Dunlop to Lord Granville, Havana, Dec. 24th, 1872, "Emigration from Macao," 1873, p. 3. A return gives the names of 14 ships (under the British, French, Italian, Belgian, Salvadorian and Peruvian flags) on which, in the years 1861-72, mutinies had broken out, resulting in disaster to the ship.—"Emigration from Macao," 1875, p. 6.

suffering, and suffering was the purport of almost every word we heard ; and these men were seen by us all, and these words were heard by us all." [88]

§ 16. In general the smaller powers have been supported, in their dealings with China, by the comity existing between all the European powers ; and, after some diplomatic haggling, have obtained for themselves all the privileges and opportunities which were granted, to the powers first on the field, only as the result of military pressure. But the abuses of the coolie traffic and the horrors of the conditions abroad were too notorious ; and the Chinese government, in this period ordinarily apathetic, but now stirred to resentment and to corresponding action, received some measure of support in the attitude it assumed. In 1874 the Peruvian government sent a mission to negotiate for a treaty ; but the Chinese were firm, and Peru obtained nothing but a fine declaration of the moral virtues and—the "most-favoured nation" clause.[89] The Spanish treaty of 1864 provided that "the local authorities shall, in concert with [the Spanish] representatives, frame regulations for the protection of emigrants." [90] In 1873 the Spanish government was anxious to negotiate a convention regulating emigration [91] ; but, though the conditions in Cuba were not then so well known, the abuses of recruiting in China and of shipping from Macao were only too manifest ; and Spain obtained her convention only in 1877, after emigra-

[88] Report of the Commission sent by China to ascertain the condition of Chinese coolies in Cuba, presented to the Tsungli Yamen, Oct. 20th, 1874.

[89] "The High Contracting Parties . . . join in reprobating any other than an entirely voluntary emigration, and every act of violence or fraud that may be employed in Macao or the ports of China to carry away Chinese subjects."—Peruv. tr. Tientsin, 1874, art. vi, Treaties, ii, p. 1477.

"The Peruvians have their treaty. In one article they join cordially with China in severely reprobating the infamous contract coolie traffic ! And in return for this beautiful enunciation of a benevolent and virtuous morality, China gives Peru—the most-favoured nation clause !"—R. Hart to E. B. Drew, July 3rd, 1874. In same sense to E. C. Bowra, same date.

[90] Span. tr. Tientsin, 1864, art. x, Treaties, ii, p. 1106.

[91] "Yamen news is that there's likely to be trouble with the Spanish charge about coolie business."—R. Hart to C. Hannen, Aug. 2nd, 1873.

"At present all direct relations are suspended between the Spanish legation and the Chinese government."—Mr. Williams to Mr. Fish, Nov. 6th, 1873, U.S. For. Rel., 1874, p. 202.

tion from Macao had ceased. The provisions of this convention [92] were in full accord with the wishes of China and the sentiments of the humanitarian powers of the West. Portugal held her position at Macao on sufferance, and it was not officially recognised by China until 1887 [93]; but China was not at any time in a position to stir up the hornet's nest of Western interests by asserting her sovereign rights over the peninsula. The British government, however, in 1873 took the step of refusing to allow the equipment in Hongkong of ships notoriously engaged in the Macao coolie trade [94]; and in 1874 it made representations to the Portuguese government, in which it received the support of France and Germany [95]; and at the same time the viceroy of Canton issued a proclamation absolutely prohibiting all emigration of Chinese from Macao. [96] The government at Lisbon ordered its colony of Macao to amend its procedure without delay; and the "contract emigration," it was decreed, should be transformed into "free emigration," and the "barracoons" into "free hotels." [97] The pressure of vested interests was strong, but the awakened conscience of the age was stronger—too strong to be resisted; and in March 1875 instructions were sent to Macao, "forbidding emigration under contract as well as all free emigration." [98]

§ 17. The emigration to California and Australia has never been under contract, and was at first permitted

[92] Treaties, ii, p. 1115.

[93] Port. tr. Peking, 1887, art. ii, Treaties, ii, p. 1010.

[94] "Emigration from Macao," 1874, *passim*.

[95] Lord Odo Russell to Lord Derby, Berlin, April 20th, 1874, "Emigration from Macao," 1875, p. 3.

[96] Joint proclamation of viceroy of the Two Kwang and governor of Kwangtung, March 1874, *ibid.*, p. 5.

[97] "We learn here, on good authority, that the Portuguese at Macao have now made some arrangements of a peculiar and questionable nature, so as to renew the 'emigration' of Chinese coolies under a new 'law.' These unfortunate 'emigrants' are now to be named 'free passengers,' and to be exported as such."—Consul Dunlop to Lord Derby, Havana, April 8th, 1874, *ibid.*, p. 3.

"I don't think Macao has given up the coolie trade. The barracoons are to be opened as 'free hotels,' and a 'private agent' of the governor is to interview each emigrant. I think the old practices will crop up again."—R. Hart to E. C. Bowra, May 14th, 1874.

[98] Senhor Corvo to Mr. Cobbold, Lisbon, March 19th, 1875, Mr. Cobbold to Lord Derby, March 22nd, "Emigration from Macao," 1875, p. 28.

without restriction, and even encouraged [99]; the ultimate settlement, however, in both countries was based on the interests of the "white labour," with which the Chinese came into competition, and not of the employers of labour, who welcomed workmen of so thrifty and sober a character. The opposition of "labour" came from the conviction that the competition was unfair and impossible between workmen (white) whose scale of comfort and subsistence was conditioned by the demands of Western civilisation, and other workmen (yellow) whose mode of living was determined by the conditions of life of the "teeming millions of the East"; and that, while the Asiatic might justly profit from his superior thrift and sobriety, the competition was made still more unfair by the clannishness and great power of combination inherent in the Chinese race. The Chinese in California had in general been well treated,[100] with some allowance to be made for the high spirits of a pioneer community [101]; but, in the course of time, this attitude was changed into hostility, which was manifested in the "sand-lot agitation" of 1876, when the working men were addressed by an anti-Chinese agitator, named Kearney, in the vacant sand-lots of San Francisco. The agitation spread through the states of the Pacific slope, and many mob attacks were made on Chinese; one such occurred as far east as Denver, in the state of Colorado, on October 31st, 1880. On that day, a Sunday, some Chinese were gambling and smoking opium together, when they were raided and attacked by a body of drunken Americans, who brutally ill-treated the Chinese, causing the death of one. A general riot was then set going, with which the police force of 15 men was unable to cope, and which, after eight hours, was ultimately suppressed by using the hose of the fire brigade. To protect the Chinese from the mob, 400 of them were lodged in the county jail as a haven of refuge; and, during their seques-

[99] Cf. chap. ix, § 11.

[100] Cf. *antea*, § 3.

"As you [the Chinese commissioners] say 'other powers treated the Chinese labourers harshly and not with the kindness shown them by the United States.'"—*Précis of conversation between the Chinese commissioners and the American commissioners*, Oct. 13th, 1880. U.S. For. Rel. 1881, p. 175.

[101] Cf. *antea*, n. 15.

tration, the houses of 141 of them were robbed of property valued at \$58,655.[102] The Chinese legation lodged a formal demand for redress, and was informed that the federal government of the United States could only intervene in the administration of law in one of the sovereign states to the extent of seeing that "whatever remedies may be afforded to the citizens of Colorado or to citizens of the United States from other states of the Union resident in Colorado, for losses resulting from that occurrence, are equally open to the Chinese residents of Denver who may have suffered from the lawlessness of that mob." [103]

§ 18. The states of the Pacific slope, through its mobs and at the ballot-box, spoke on this subject with no uncertain voice; and the federal government was forced to abandon the policy of Mr. Seward and Mr. Burlingame.[104] An attempt was first made to pass legislation to restrict Chinese immigration, but the Bill was vetoed by President Hayes, who appealed to Congress to "maintain the public duty and the public honour," and urged that the end be attained by negotiation with China.[105] A commission for this purpose was appointed in 1880, consisting of J. B. Angell of Michigan, J. T. Swift of California, and W. H. Trescott, a former Assistant Secretary of State. This commission opened negotiations on October 13th, and found that the Chinese government, having secured the power to regulate in China the emigration of its subjects, was not indisposed to accede to the proposals formulated [106]; but that it hesitated to concede the power of prohibition.[107] Ultimately, on November 17th, two treaties were signed at Peking. By the first the American government was given the power to "regulate, limit or suspend" Chinese immigration "but may not absolutely prohibit it." By the second, China undertook to consider favorably any proposals,

[102] Report of F. A. Bee, Chinese consul, San Francisco, Dec. 8th, 1880, U.S. For. Rel., 1881, p. 323.

[103] Mr. Evarts to Chen Lan-pin, Dec. 30th, 1880; Mr. Blaine to same, March 25th, 1881; *ibid.*, pp. 319, 335.

[104] Cf. chap. ix, §§ 10, 11.

[105] J. W. Foster, "American Diplomacy in the Orient," p. 294.

[106] Précis of conversation, Oct. 13th, 1880, *ubi sup.*

[107] *Ibid.*, Oct. 23rd, 1880, U.S. For. Rel., 1881, p. 184.

for the extension of commercial intercourse; American citizens and ships were prohibited from engaging in the opium trade; and the trial of "mixed" cases, between Americans and Chinese, was regulated.[108]

§ 19. The pressure from the states of the Pacific slope continued to exert its influence, and, in 1882, under the provisions of the new treaty, Congress passed a Bill to "suspend" for twenty years the immigration of all Chinese labourers; but it was vetoed as contravening the spirit of the treaty. In 1888 a treaty was negotiated with the Chinese envoy at Washington by which this immigration was practically prohibited; some amendments were proposed by both governments, and the treaty failed of ratification.[109] The pressure continued, however, and a treaty was signed on March 17th, 1894, and ratified, by which "the coming of Chinese labourers to the United States" was to be "absolutely prohibited" for a period of ten years.[110] During those ten years opinion on the subject was clarified. In the United States the extreme pretensions of the Pacific slope were rejected; but a more general acceptance was given to the belief that, in the struggle of the American labourer with the Chinese, it was "not a question of the fittest surviving, but a question of the survival of the fittest to survive." [111] In China, on the other hand, in those ten years racial instinct had come to be replaced by the feeling of nationality; and, at the end of the term, as prescribed in the treaty itself, the treaty was denounced. The Chinese government even refused, in 1908, to allow the immigration treaties of 1880, 1888 or 1894 to be included in the official volume of treaties then in course of publication [112]; and has preferred to let the American government take its own course, without the international sanction given by a treaty.

[108] For the second treaty, see *Treaties*, i, p. 532.

[109] Treaty in U.S. For. Rel., 1888, i, p. 398.

[110] *Ibid.*, 1894, p. 177.

[111] Speech of H. C. Lodge, senator from Massachusetts, in the U.S. Senate, 1902, cited in J. W. Foster, "American Diplomacy in the Orient," p. 303.

[112] Official instructions to the author, then charged with the compilation of the volume. Cf. "Subjection," chap. xv, § 30.

CHAPTER IX

THE BURLINGAME MISSION

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§ 1. SERIOUS thinkers from the West who have lived and worked in China, and who have been brought into close touch with Chinese, whether in the middle of the nineteenth century or in these early years of the twentieth, have without exception formed a good opinion of the Chinese character and have held the people in high esteem; and those who have been in close relation with the administration, while recognising fully its demerits and seeing clearly the gross abuses connected with it, have generally thought that the scholars and officials of China needed only to be given an opportunity to study the merits of modern Western administrative methods, and that they would then hasten to adopt such reforms as would bring the creaking machinery of the empire into harmony with the

modern world. This was the opinion held by Mr. Alcock when, in 1854, he devised means by which "an element of probity and vigilance" should be introduced into the administration of the customs [1]; by this measure he hoped that the Chinese would themselves see the advantages of an honest administration. This opinion was held, too, by Sir F. Bruce and Mr. Burlingame during the whole of their tenure of office as representatives in Peking of the two great commercial nations of the West.[2] This was also the opinion of Mr. Hart, both in his intimate conversations with Prince Kung and others in 1861,[3] and after he was definitely established in Peking in 1865.

§ 2. In the tale of envoys from Western courts received at Peking, only one mission is recorded as having been sent by the Chinese court to a Western capital—to St. Petersburg in 1733. Its despatch may perhaps be explained, partly by the fact that Russia was regarded as a coterminous Asiatic power, with which the Manchu sovereigns had concluded two formal treaties, and partly by the wish of the emperor, Yungcheng, to find a counterpoise for the "pernicious intrigues of the Jesuits,"[4] at a time when he was persecuting the Roman Catholic church in his dominions. In general China, whether Ming or Manchu, received foreign envoys, apart from those who were admittedly bearers of tribute, as providing an interesting and novel show, but her rulers never on any occasion granted to any of the envoys, prior to 1842, any of the petitions which they preferred. China asked nothing of the West but to be left alone, and had no occasion to send envoys, either to compose difficulties or to report on the methods and capabilities of other countries. In the spring of 1866, however, Mr. Hart obtained leave for six months to take a trip to Europe; and, before starting, he proposed to take with him an official delegate, who should study the character of the people in foreign countries, and on his return should present a report on what he had seen.[5] The proposal was well received by Prince Kung, and, on Mr. Hart's nomination, he memorialised the throne

[1] Cf. chap. i, § 22 and n. 69.

[2] Cf. chaps. vi and vii, *passim*.

[3] Cf. chap. vii, § 16.

[4] Cf. "Conflict," chap. iii, § 23.

[5] North-China Herald, March 31st, 1866.

and obtained an imperial rescript appointing Pinchun, a Manchu, then in his sixty-fourth year, who had been successively a magistrate (chih-hien) and prefect (chih-fu) in the provinces, and was then a secretary for Chinese correspondence in Mr. Hart's office. He was not commissioned as envoy,[6] but was charged to investigate and report on what he should see; and, to give him official standing, he was appointed brevet tsung-pan [permanent under-secretary] in the Tsungli Yamen [Foreign Office],[7] and was promoted to the third civil rank.

§ 3. The delegate was accompanied by four attachés,[8] and was placed in charge of Mr. E. C. Bowra, who was assisted by Monsieur E. de Champs, both of the customs service. Though not an envoy, he was well received in official circles in London [9]; and, the lead once given, he was equally well received in the other capitals of northern Europe which he visited in turn. Leaving London at the end of June, he proceeded to Copenhagen, Stockholm, St. Petersburg, Berlin, Brussels and Paris, spending ten days in the last, and from three to five days in each of the other capitals.[10] It was planned that the mission should

[6] "Pin is not a kin-chai, but he is nominated by the Yamen and goes foreign by imperial decree."—R. Hart to E. C. Bowra, Feb. 8th, 1866.

[7] "Pin Tajen is a tsung-pan in the Tsungli Yamen; with him are his son and three student interpreters from the Tung-wen Kwan."—R. Hart to F. Wilzer, London, May 17th, 1866.

[8] "Do you remember the name Teh Ming? He was one of the Tungwenkuan students who went to Europe in 1866, when I took Pin Laoyeh and party home: your father was with us and returned married. Well, this, same Teh Ming—now known as Chang Teh-yi—has just been appointed Chinese Minister to England in succession to Lo Feng-luh. I am very glad to see him so high up while I am still here. There were two other students: Feng Yi—still living, and Yen Jui—dead. Pin is long dead and also his son Kwang Ying who was of the party. The doings of those days are all before my mind just as if they occurred last week!"—R. Hart to C. A. V. Bowra, Nov. 29th, 1901.

"Poor old Pin died a few weeks ago."—R. Hart to E. C. Bowra, Feb. 2nd, 1871.

[9] "Should the Prince [later King Edward VII] wish Pin to attend a levee, let him go, accompanied by yourself of course: *but don't let him take his flute!*"—R. Hart to E. C. Bowra, Lisburn, June 2nd, 1866.

"It was civil of the F.O. to offer to appoint some one to go with the mission—I did not suggest it; it was also considerate for the F.O. to nominate the Major . . . and, in short, we have every reason to be thankful to the F.O."—Same to same, Lisburn, June 13th, 1866.

[10] "Should any remark be made relative to the short visits paid to Russia and Prussia, you will please to explain that Pin's instructions were to be back again in China in six months' time, and that he is afraid to be absent longer."—Same to same, Lisburn, July 13th, 1866.

also go to Washington,[11] but this was abandoned. In fact the delegate was disgusted with the discomforts of travel in countries whose customs he abhorred with all the dislike of a fossil and a Manchu; from the outset he had given trouble,[12] and was anxious to be quit of his task and return to Peking. His tour was cut short, and he was allowed to sail from Marseilles on August 19th, and leave the scenes of mental disturbance created by steam and electricity, and of moral disturbance caused by the indecorum and bad manners everywhere manifest to his eyes.[13] He produced no favourable impression of Chinese civilisation, and he could have nothing favourable to report of the West; and his mission must be pronounced a failure.[14]

§ 4. At the end of November, 1867, the diplomatic world in Peking was startled by the announcement that Mr. Anson Burlingame had been commissioned by the Chinese Emperor as his Ambassador Extraordinary, accredited to all the courts of the world, to which he was to proceed in turn.[15] Mr. Burlingame himself had had

[11] "I hope to see you off for America by the first opportunity in September; it would not do for the mission to return without having at least visited Washington."—Same to same, June 13th, 1866.

[12] "I can readily understand the difficulties you have to contend with, and you may rest assured that if, by keeping the end in view, and making the best of them, your services will not be unappreciated. . . . Tell Pin, with my compliments, that he may set his mind at rest as to being in China in proper time."—Same to same, June 13th, 1866.

"When I last saw him, Pin was so anxious to return to China that he was with difficulty persuaded to remain willingly until August 18th."—Same to same, July 10th, 1866.

"I am sorry to hear your work still continues to be difficult and unpleasant. The only way to alleviate the discomfort is to shorten it. Passages will be taken for the party by the mail from Marseilles of Aug. 19th."—Same to same, July 11th, 1866.

[13] "For every word of praise he no doubt had ten of censure, for which he easily found material; but the censure was confidential and did not appear in print."—W. A. P. Martin, "A Cycle of Cathay," p. 374.

His opinion, shared by all his class, may be inferred from the opinion expressed in a memorial on the mission of Mr. Burlingame by Wojen, Senior Tutor to the emperor—"their customs are nothing but lasciviousness and cunning, while their inclinations are simply fiendish and malignant."—Cited in F. W. Williams, "Anson Burlingame and the First Chinese Mission," p. 108.

[14] "The Chinese government's appreciation of Western progress was by no means increased by the mission of Pin, which rather indeed produced a contrary effect."—Michie, "Englishman in China," ii, p. 137.

[15] "The announcement is so singular and unexpected that we wait anxiously for more explicit information."—North-China Herald, Dec. 9th, 1867.

no previous intimation of the honour to be conferred on him. He was on the point of leaving Peking to make a tour of inspection of the consulates, after which it was his intention to resign his position as American envoy; and was invited to a farewell dinner at the Tsungli Yamen, with the ministers of which he had been on terms of close official intimacy for five years. There was some talk of international relations and the difficulty of getting an adequate presentation of China's aims made abroad, and "Wensiang,[16] a leading man of the empire, said, 'Why will you not represent us officially?'"[17] He consulted Mr. Hart, who urged him to accept the charge.[18] Sir R. Alcock informed his government that "no one knew that the Chinese were on the eve of a revolution which would materially change the aspect of affairs"[19]; and the step was equally unexpected to the French and Russian envoys then in Peking.[20]

§ 5. One note of doubt on this general state of ignorance was expressed in Shanghai.

"That the decision . . . was arrived at so rapidly . . . we do not believe for a moment. The Chinese mind is not given to sudden bursts of after-dinner inspiration, and to instantaneous action thereon, especially in so weighty a matter as deputing a representative to the once-despised governments of the outer world. We may be sure that, however suddenly broached, Mr. Burlingame's appointment has been long and carefully thought over. Our correspondent says, 'and next the counsel of Mr. Hart was asked.' 'We would rather believe that the counsel originated in Mr. Hart's brain.'"[21]

This editorial prescience was verified later by Mr. Hart's own statement.

"Ever since my arrival in Peking, in 1861, I have been urging the Yamen to move in the direction of what the West understands

[16] Wensiang, minister of the Tsungli Yamen from its first establishment, President of the important ministry of Civil Office, and Grand Secretary of State.

[17] Mr. Burlingame to Mr. Seward, Dec. 14th, 1867, U.S. For. Rel., 1868, i, p. 494.

W. A. P. Martin, "A Cycle of Cathay," p. 374. Mr. Martin acted as interpreter for Prince Kung at this dinner.

[18] W. A. P. Martin, *op. cit.*, p. 375.

[19] Michie, "The Englishman in China," ii, p. 193.

[20] *Ibid.*; Cordier, "Relations de la Chine," i, p. 287.

[21] North-China Herald, Dec. 14th, 1867

by the word 'progress,' and on scarcely any point have I spoken more strongly or more frequently than on the necessity for the establishment of a resident mission at the court of every treaty power. . . . As a first step . . . I induced the Yamen to send Laoyeh Pin to Europe with me in 1866, and, on my return to Peking, at the end of that year, I continued to urge for another forward movement.[22] Thus it came to pass that, in September and October, 1867, the matter of representation abroad was talked of every time I went to the Yamen. Once Tan Tajen told me that, in a week or two, a decision would be communicated to me, showing that the government was about to act at once on my advice. Wen Tajen added that, if I could be spared from Peking, it was in contemplation to appoint myself to accompany the Chinese official on whom their choice was most likely in the first instance to fall. . . . Some days after [the dinner at the Yamen] Mr. J. McL. Brown told me that the Yamen had it in contemplation to appoint Mr. Burlingame to be its representative to the treaty powers, and asked me what I thought of it. I at once said that the notion ought to be supported, and on the following day I went to the Yamen and spoke very strongly in its favour." [23]

§ 6. Mr. Hart's ostensible motive in giving this advice is clear enough. His prime reason was that China should emerge from her seclusion and take her place in the family of nations; and for this he saw, in 1867, as in 1861 and in 1866, that the administration should be able to present its views and desires directly, and not solely through the foreign envoys in Peking, however well-disposed these might be; and that it should also be informed, through its own agents, of the aims of Western governments and of their power to enforce their wishes. While this was the dominating motive, he also thought it desirable, under the actual conditions then prevailing, for the government

"to cultivate and conserve friendly relations by explaining to each of the treaty powers the many difficulties that China cannot fail to experience in attempting to change existing conditions or to introduce novelties: to bespeak forbearance and prevent, in so far as possible,

[22] The following anecdote throws light on Mr. Hart's influence in these years. Mr. Cartwright went into his office one day and asked if he had seen the decree appointing X to the viceroyalty of Yün-Kwei. He took down his diary and read an entry of two months' earlier date, noting that he had recommended the nomination of X to the Yün-Kwei viceroyalty and of Y to another important viceroyalty. The second appointment was gazetted a short time after. Personal statement of W. Cartwright to author in 1909.

[23] R. Hart, "Note on Chinese Matters," June 30th, 1869, in *North-China Herald*, Nov. 9th, 1869.

any resort to hostile pressure to wring from China concessions for which the government did not as yet feel itself ready; and to prepare the way generally for the day when China should not merely hear the words of foreign representatives in Peking, but should be able to address each government in its own capital through a resident Chinese medium." [24]

Mr. Hart was not alone in desiring that China should be directly represented abroad, Mr. Secretary Seward having strongly urged that this step should be taken [25]; but it was his other reasons which appealed the more to Prince Kung and his colleagues—or, as it was put by Wensiang at a later date, when the mission was not so popular, "The only instruction we gave our envoy was to keep the West from forcing us to build railways and telegraphs, which we want only so far as they are due to our own initiative." [26]

§ 7. The treaties of 1858, even those of the non-combatant powers, had been imposed on China at the cannon's mouth; and at once, before ratification, she sought to obtain a modification in the requirements which pressed most directly on the central administration. [27] Many nations have had treaties imposed upon them as the result of defeat in war, but from few have such onerous conditions been required as were then imposed on China; and her rulers, acting as rulers in other countries have acted, [28] have resisted the execution of all stipulations which seemed unduly harsh, trying to obtain from interpretation what they could not secure by negotiation. Moreover, while Peking might make the treaty, it was the provinces which executed it; and the provincial authorities found that it was at their expense that the imperial government obtained peace. The one surrendered national prestige and some of the attributes of sovereignty; to

[24] North-China Herald, Nov. 9th, 1869.

[25] Mr. Seward to Mr. Burlingame, Dec. 15th, 1865, U.S. For. Rel., 1866, i, p. 487; same to Mr. J. Ross Browne, Sept. 7th, 1868. Ibid., 1868, i, p. 572.

[26] Cordier, "Relations de la Chine," i. p. 285; W. A. P. Martin, "A Cycle of Cathay," p. 376.

[27] Cf. "Conflict," chap. xxii, §§ 21, 22.

[28] "His support of the British claim, 'as from God and nature,' to override the artificial restrictions of unjust treaties, his denunciation of the convention of the Pardo as 'a stipulation for the national ignominy,' voiced the inarticulate sentiment of the new England."—C. Grant Robertson on William Pitt, Lord Chatham, Quarterly Review, Oct., 1908, p. 325.

the other the treaties brought loss of revenue and difficulties of administration, both giving pin-pricks at all times and in many places. It was in the provinces [29] that it was found that "the conclusion of a treaty is the commencement, and not the termination, of difficulties" [30]; and the imperial government was then so weak that, even if it had wished, it was unable to modify the time-honoured Chinese system of administration. This situation led to the doing of acts by the Chinese authorities which were then, and have been since, characterised as "evasion of treaty obligations"; and the foreign mercantile community looked forward to the date, 1868, when they were free to demand a revision of the treaties in a sense which would secure a more faithful execution, and even an extension, of the privileges which they had obtained. Of this intention the imperial ministers were fully aware [31]; and both they and the foreign community were also aware of the state of unrest in many of the provinces, manifesting itself in attacks on missionaries and disorder everywhere. [32] To counter the movement for stiffening the treaties; to prevent the disordered state of the country—resulting from the long stress of the Taiping rebellion and the continuing strain of the Nienfei troubles, [33] and manifested by anti-foreign attacks—from leading to armed intervention and naval demonstrations [34]: these would provide a sufficient

[29] Cf. chap. vii, §§ 9, 10.

[30] Mr. Bruce to Earl Russell, July 18th, 1862, *Further Papers rel. Rebellion*, 1863, p. 59.

[31] Cf. chap. x, § 3.

[32] Cf. chap. xi, *passim*.

[33] Cf. chap. vi, § 1, n. 1.

[34] The Chinese government had already suffered from military and naval pressure applied by Russia, England and France, the last two having also been given something more than moral support by the American government and its representatives (cf. "Conflict," chap. xv, §§ 11, 13, 14, 15, 16, 19; chap. xx, §§ 7, 9; chap. xxii, § 4); and its provincial officials had been forced to a decision by naval demonstrations (cf. "Conflict," chap. xiv, §§ 23, 24). Just at this time, the close of 1867, there were reports, which were not later verified, that a Western power, then of no great consideration in Asiatic waters, was on the point of annexing Chinese territory.—"The most startling piece of news brought by the last mail is that endeavours will be made to obtain the cession of Chusan as a German penal settlement. Not long ago Prussia was credited with the intention of annexing Formosa. . . . Only the greed for annexation which Prussia has lately shown induces us to pay any attention to so unlikely a report."—*North-China Herald*, Feb. 15th, 1868.

reason for any statesman to make sure that his country's case was properly and clearly represented to the rulers of other nations. The rulers of China had, however, a third reason for the step they now took—a desire to resist the pressure, constantly applied to them, to “develop” their country; to build railways, open mines and erect telegraph lines, not because they wished them, but because others thought that a great and rich country like China ought to have them. They might wish to have them, but they preferred, conservative as they were by tradition, to have them in their own time [35]; and delay is the instinctive aim of every Chinese statesman.

§ 8. Mr. Burlingame, on whom was conferred the red button of the first civil rank, had associated with him in his mission the Manchu Chihkang and the Chinese Sun Chia-ku, officials of the second civil rank; and these three, with Mr. Burlingame as chief, were commissioned as “Our High Minister Extraordinary and Plenipotentiary.” [36] Mr. J. McLeavy Brown [37] was commissioned as first secretary, and M. E. de Champs [38] as second secretary of the mission, and there were about thirty Chinese secretaries and *attachés à la suite*. The mission left Shanghai on February 25th, 1868, leaving in the minds of its sponsors

[35] Cf. *antea*, § 6; “Subjection,” chap. iv, § 3.

“Wensiang . . . in the early sixties often said, ‘You are all too anxious to awake us and start us on a new road, and you will do it; but you will all regret it, for, once awaking and started, we shall go fast and far—farther than you think, much farther than you want.’”—R. Hart, “These from the Land of Sinim,” p. 52.

[36] “Mr. Burlingame, with the two so appointed, will act as Our High Minister Extraordinary and Plenipotentiary.” Mr. Burlingame's credentials in *North-China Herald*, Nov. 19th, 1869. The translation was attested by the signatures of J. McL. Brown, First Secretary of Chinese Mission; S. Wells Williams, U.S. Chargé d’Affaires ad interim; Robert Hart, Inspector General of Imperial Chinese Customs; W. A. P. Martin, Professor of Hermeneutics and Translator in the Imperial Foreign College. In the Chinese text of the preamble to the treaty of Washington, 1868, the titles of the three are identical—“envoys for the regulation of international relations”—but to Mr. Burlingame's title is added “senior,” and his name is given first place. While engaged on this mission he received £8,000 sterling a year, and all expenses.

[37] Then acting as Chinese secretary of the British legation; in April, 1870, accepted a post in the Chinese customs service; in 1877 was promoted to be commissioner of customs; in 1893 was nominated by Sir R. Hart to the post of Chief commissioner of Korean customs; now (1917), as Sir John McL. Brown, councillor of legation at the Chinese legation in London.

[38] Of the Chinese customs; cf. *antea*, § 3.

many hopes, but also some misgivings.[39] Mr. Burlingame himself, however, had no such misgivings. He had accepted the mission with confident pride. "When the oldest nation in the world, containing one-third of the human race, seeks, for the first time, to come into relations with the West, and requests the youngest nation, through its representative, to act as the medium of such a change, the mission is not one to be solicited or rejected." [40] This idea was adopted by the Governor of California in proposing Mr. Burlingame's health at a banquet given to the mission at San Francisco in May—"Our guest, the son of the youngest, and representative of the oldest, government."

§ 9. Mr. Burlingame was, above all else, an orator [41]; and, like all orators, was liable to be carried away by the enthusiasm of the moment.[42] If only he carried his hearers along with him in the same enthusiasm, he asked no more. At the San Francisco banquet he declared that his mission meant that China was launched on the path of peace and progress, and appealed to the memory of "Ricci,[43] Verbiest,[44] Morrison,[45] Milne,[46] Bridgman,[47] Culbertson,[48] and an army of others who

[39] "If Mr. B. does the right thing, his mission may have the best effects for China and humanity; but, if he does the other thing, we must trust to Heaven itself to take care of the future."—R. Hart to E. B. Drew, May 14th, 1868.

[40] Mr. Burlingame to Mr. Seward, Dec. 14th, 1867, U.S. For. Rel., 1868, i, p. 494.

[41] "Writing was labor and weariness to him; it seemed impossible for him to establish a rapid transit between his brain and the end of a pen."—J. G. Blaine, "Mr. Burlingame as an Orator," in *Atlantic Monthly*, Nov., 1870, cited in F. W. Williams, "Anson Burlingame," p. 111.

[42] "Mr. Burlingame had been an active politician in his time, and was a practised orator. If we add the epithet 'sophisticated rhetorician' . . . that is little more than to say he was a special pleader; and he was engaged on special pleader's duty."—Michie, "The Englishman in China," ii, p. 193.

[43] Matteo Ricci, Jesuit, died at Peking in 1610.

[44] Ferdinand Verbiest, Jesuit, died at Peking in 1688.

[45] Robert Morrison, British, arrived at Canton in 1807, died there in 1834.

[46] Arthur Milne, British, arrived in 1813 to work with Morrison and left in 1815 to take up work at Malacca.

[47] Elijah Coleman Bridgman, American, arrived at Canton in 1829, died at Shanghai in 1861.

[48] Michael Simpson Culbertson, American, arrived at Canton in 1844, died at Shanghai in 1862; at West Point with Halleck, Beauregard and Sherman.

have lived and died in that far land, hoping that the day would soon arrive when this great people would extend its arms towards the shining banners of Western civilisation"; and he proclaimed that "that hour has struck, the day has come." The same note was maintained in his speech at a banquet given on June 28th at New York by the Governor of that state, when he asserted that China was ready to invite the missionaries to "plant the shining cross on every hill and in every valley," and to engage Western engineers to open mines and build railways; and that she had entered on the path of progress.[49] His eloquence swept his audiences from their feet, and aroused the enthusiasm of the American people at large; but his language came as a shock of cold water to those he had left behind in China—both to the rulers and friends of China, and to those whose aims were destined to be frustrated by the effects it produced.[50]

§ 10. The government at Washington, always sensitive to public opinion, was imbued with the feelings of the American people, and gave the mission a flattering welcome. Its members were received by the president, Andrew Johnson, who, however, noted a protest that American envoys had not yet been received in audience by the Chinese emperor.[51] Negotiations were then opened between Mr. Burlingame and Mr. Seward for a treaty, which was agreed to and signed July 28th.[52] In its

[49] F. W. Williams, "Anson Burlingame," pp. 119 seq.; Cordier, "Relations de la Chine," i, p. 289.

[50] "The pleasing prospect was no doubt described as in the paullo-post-future; but people of warm imagination took it in the present tense."—W. A. P. Martin, "A Cycle of Cathay," p. 376. "An orator cannot reasonably be held accountable for every detail of his orations."—Michie, "The Englishman in China," ii, p. 196.

"His speech did no more than forecast a prospect which, with the passing of another cycle of Cathay, is now plainly revealed to the world."—F. W. Williams, "Anson Burlingame," p. 140. See also *postea*, § 17.

[51] "It is well understood by this government that, owing to the minority of the Emperor of China, the sovereign authority of the empire is now exercised by a regency. Reserving, therefore, and waiving, though only during the emperor's minority, the question concerning the privilege of personal audience by the head of the Chinese government, the President of the United States will cheerfully receive their excellencies the high ministers of China on Friday, at 12 o'clock at noon, at the Executive mansion."—Mr. Seward to Anson Burlingame, Chihkang and Sun Chia-ku, June 3rd, 1868, U.S. For. Rel., 1868, i, p. 603.

[52] "Additional articles to the treaty between the United States of America and the Ta-Tsing Empire of June 18th, 1858," signed at Washington, July 28th, 1868.—*Treaties*, i, p. 525.

eight articles the most careful search fails to find any concrete provision which would serve to regulate the relations between the two countries, or to adjust any difficulties which might arise; and yet its language was drafted, not by the orator, but by the trained statesman.[53] Its eight articles provided for the maintenance of the integrity of China; for Chinese control of their own inland trade; for the appointment of Chinese consuls in American ports [54]; for reciprocal freedom from persecution for religion; for encouraging the immigration of Chinese coolies into the United States, but with a prohibition of contract emigration; for reciprocal rights of residence and travel; for access to the schools of either country; and for freedom from interference in the development of China.

§ 11. Of these provisions the last was the only one the Chinese government cared for; and the philanthropic altruism of the other articles so dismayed the emperor's advisers, that they were with difficulty induced to ratify the treaty which, moreover, had been negotiated without their authority, and on the sole initiative of their envoy extraordinary.[55] To the American government the chief practical gain was the encouragement of Chinese immigration. This was at that time much desired by the state of California, whose citizens then thought that they needed cheap and abundant labour to develop the resources of their state [56]; but in no long time California

[53] "This compact . . . was drafted by Mr. Seward in accordance with his own ideas of what was right and proper under the circumstances."—F. W. Williams, "Anson Burlingame," p. 144. "The draft of that document was drawn up, not by Mr. Burlingame, but by Mr. Seward, as the great secretary himself told me with no little satisfaction."—W. A. P. Martin, "A Cycle of Cathay," p. 376.

[54] Cf. ante, § 6.

[55] "From the standpoint of diplomatic convention as observed in Europe there is no denying that Mr. Burlingame's participation in concluding this contract was irregular. He had been granted no specific instructions to negotiate treaties abroad."—F. W. Williams, "Anson Burlingame," p. 152.

"No power to negotiate a treaty had been granted to the Burlingame mission."—Baron von Gumpach [cf. chap. vii, § 5]. "The Burlingame Mission," cited in Cordier, "Relations de la Chine," i, p. 295.

[56] Mr. J. Ross Browne to Mr. Seward, July 24th, 1868; Mr. Wilkes to Mr. Browne, June 7th; Mr. Cleveland to Mr. Browne, July 27th; Mr. Seward to Mr. Browne, Aug. 17th; U.S. For. Rel. 1868, i, pp. 528 seq., 565.

changed her views, and, at her dictation, the federal government changed its policy, and was at much trouble to undo what had been done in the Burlingame treaty.

§ 12. The success of the Burlingame mission in England was less spectacular, but was more practical. Arriving in London in September, a cold reception was given to the mission, and some weeks elapsed before its members were presented, on November 20th, to the Queen at Windsor,[57] audience being granted then expressly on the understanding that it was only his minority which prevented the Chinese sovereign from receiving foreign envoys in audience. Then, on December 4th, on the assumption of office by Mr. Gladstone, Lord Clarendon replaced Lord Stanley at the head of the Foreign Office, and on the 26th received Mr. Burlingame for the first time.[58] Mr. Burlingame explained the object of his mission in the same terms which he had used in America, declaring that it was "1st to disabuse the Western powers of an impression they were supposed to entertain, that the Chinese government had entered upon a retrograde policy, 2nd to deprecate a precipitate and unfriendly attempt on their part to enter upon a policy which might make all progress impossible from its menacing tone and violent shock to the feelings, and even prejudices, of the people." Two days later Lord Clarendon declared, as the policy to be adopted in future by the British government and its agents, "1st, that an unfriendly pressure shall not be applied inconsistent with the independence and safety of China, 2nd, that H.M. government desires to deal directly with the central government rather than with the local authorities;" on the understanding that China faithfully observed the obligations of the treaties, and reservation being made of the use of force "to protect life and property immediately exposed." [59] Instructions in this sense were sent to the British envoy in Peking, to the Admiralty and to the Colonial Office, that due effect might be given to

[57] F. W. Williams, "Anson Burlingame," p. 172; Cordier, "Relations de la Chine," i, p. 295.

[58] Cordier, *ubi sup.*

[59] Lord Clarendon to Mr. Burlingame, Dec. 28th, 1868; Mr. Burlingame to Lord Clarendon, Jan. 1st, 1869; Corr. resp. rel. between Great Britain and China, 1869, pp. 1, 4.

them [60]; and the understanding arrived at was communicated to the French government, which expressed itself as "disposed to act in this, as in other matters, in accord with H.M. government." [61] Instructions were also given to apply this understanding to the relations between England and Japan, in so far as they involved the use of naval force. [62]

§ 13. From London the mission proceeded to Paris. There it was well received, both by the government and by society [63]; and was granted an audience by the emperor, with the same reservation as was made in Washington and London, as to the minority of the Chinese sovereign [64]; but it was accorded, neither the treaty it had obtained in Washington, nor the self-denying ordinance granted by the British government. After the summer it proceeded to the northern courts, leaving Stockholm on October 7th, Copenhagen on October 30th, and The Hague on November 18th. Then in January, 1870, it proceeded to Berlin, where it was well received, [65] and obtained from Bismarck a declaration, in less definite terms, but practically adopting for the North-German Confederation the provisions of Lord Clarendon's declara-

[60] Lord Clarendon to Sir R. Alcock, Dec. 30th, 1868, and Jan. 13th, 1869; to Colonial Office, Jan. 1st and 14th; to Admiralty, Jan. 4th and 14th; *Ibid*.

[61] Lord Clarendon to Lord Lyons, Dec. 30th, 1868; Lord Lyons to Lord Clarendon, Jan. 5th, 1869; *Ibid*.

[62] Lord Clarendon to Sir H. Parkes, Jan. 29th, 1869, *Ibid*.

[63] "Le Grand Hotel resonance encore des échos joyeux de l'ambassade, qu'attristèrent, au lendemain du Grand Carnaval de 1869, les sombres préoccupations de l'avenir et qu'assourdit le glas funèbre de l'attentat de Yang-tchéou."—Cordier, "Relations de la Chine," i, p. 300.

"Do you think it would be a good thing for the Chinese Commission to give a hop or reception or something of the sort during the last week [of the Vienna Exhibition]. If you think it would be a success socially, and end your labours and visit with éclat, I am willing to authorise you to expend a thousand pounds on it. . . . If a thousand will do it magnificently, do it: if it would only produce a 'shabby genteel' affair, let it alone. I don't think Burlingame's receptions (which made all Paris talk and were really grand) cost a thousand pounds each. I should like you all to disappear 'in a blaze of glory'—so to speak."—R. Hart to C. Hannen, Aug. 2nd, 1873.

[64] Ministre des Aff. Etr. à M. Burlingame, Jan. 21st, 1869.—Cordier, "Relations de la Chine," i, p. 300.

[65] "His last communication was a telegram, via Siberia, addressed to me for the Tsungli Yamen, reporting a favourable reception at Berlin, adding 'concluded negotiations with Prussia; strong declaration by Bismarck in favour of China. Now to Russia!'—W. A. P. Martiu, "A Cycle of Cathay," p. 377.

tion.[66] The mission then proceeded to St. Petersburg, where, on February 4th-16th, it was received by the Tsar; but Mr. Burlingame, unable to withstand the severity of a Russian winter, was attacked by pneumonia and died on February 11th-23rd. The headship of the mission was then assumed by Chihkang [67]; and, after visiting Brussels and Rome, the mission returned to China in October, taking the newly opened route by the Suez canal.

§ 14. The "Œcumenical embassy" [68] had been launched with great expectations, it had made a great splash in its course around the world, and yet it was a failure; but, failure though it was, it was "none the less an indispensable link in the chain that was drawing the East and the West together,"[69] and the basis which it established for the treatment of China's international relations has only for special cause been departed from in the half century which has elapsed since that date; and this was the conception of Mr. Burlingame. A citizen of Boston, he was admitted to the bar and was for a time attaché at the American legation in London. Elected a representative in the Massachusetts legislature, he was subsequently sent to congress; and there he made his mark as an opponent of the political ideas of the southern states. On the inauguration of president Lincoln he was nominated envoy to Vienna; but he had been too outspoken in his championship of Italian freedom in 1859, and the government at Washington was informed that he was *persona non grata*; and he was then nominated to the Peking legation. There he took up Mr. Seward's policy of co-operation,[70] and, hand in hand with Sir F. Bruce, and with the support of M. Berthemy and M.

[66] Bismarck to Mr. Burlingame, Jan. 16th, 1870.—F. W. Williams, "Anson Burlingame," p. 247.

The views of the American government had been communicated officially to the Chancellor of the North-German Confederation.—Mr. Hamilton Fish to Mr. Bancroft, Aug. 31st, 1869, U.S. For. Rel., 1870, p. 304.

[67] "Malgré les intrigues de l'Angleterre, Tehe-kang prit la direction de la mission, M. McLeavy Brown restant premier secrétaire."—Cordier, "Rélations de la Chine," i, p. 302.

[68] W. A. P. Martin, "A Cycle of Cathay," p. 376.

[69] Ibid., p. 377.

[70] Cf. chap. iii, § 1; chap. vi, § 3.

Baluseck,[71] it was made the means, during five eventful years, of substituting moral for material coercion—of working through the united pressure of the four envoys, in matters on which they were agreed, and not by the isolated action of an envoy or a consul. This same idea underlay his conception of the objects of his mission; and, if he had been one of those rare men who combine grand conceptions with practical working, he could have made his mission a success. But he was a visionary. He saw existing facts through the roseate mists of his great ideals; and, unwittingly, he conveyed to the hearers of his eloquent addresses a false impression of the state of China and of her attitude towards the outside world. To complete his task it would have been necessary for him to return to Peking and, by his eloquence, bring the Chinese statesmen to adopt as their own the opinions which he represented them as already holding. History will record of him that, in 1868, he persuaded the governments of the world to adopt a policy which ultimately became their guide; but that, in China, his step was premature, and that, for a time, he failed.

§ 15. Lord Clarendon had been impressed by Mr. Burlingame's presentation of his case, and had at once adopted as the policy of his government the proposals which had been laid before him, though with certain practical reservations. In this he showed himself a statesman, who could look beyond the turmoil of the present and establish a broad basis for dealing with the future. But neither he nor Bismarck gained the approval of their agents in the East, who, one and all, protested that the new settlement was not founded on existing facts.[72] The mercantile community in China, too, was bitterly op-

[71] "The Four B's," as they were called. Mr. Baluseck was in 1863 succeeded by General Vlangaly.

[72] "Jamais, pour les agents européens à Peking, la situation ne fut plus pénible que pendant les mois qui suivirent l'arrivée de Burlingame à Londres. Même le pacifique russe Vlangaly se fâchait, le prussien von Rehfues fulminait, Alcock, mélancolique, constatait qu'il avait préparé sa propre ruine."—Cordier, "Relations de la Chine," i, p. 295.

"He [Mr. Burlingame] succeeded in so altering the course of the British government that their agent in China [Sir R. Alcock] was discredited, stultified, and rendered powerless to effect the objects for which he had been labouring."—Michie, "The Englishman in China," ii, p. 197.

posed to the change of policy,[73] which, it was felt, would bring "danger to our interests and to the cause of progress" [74]; and this fear was intensified by a series of events which had occurred during the progress of the mission from San Francisco to St. Petersburg. While Mr. Burlingame was declaring that China was ready to "plant the shining cross on every hill and in every valley," and was giving assurances that she had entered on the path of progress, anti-missionary and anti-foreign disturbances had occurred at Yangchow, at Taiwan, at Swatow, at Foochow, at Tengchow, at Anking, at Wuchang, and in Szechwan,[75] all of which were settled by pressure applied to the provincial authorities, in most cases by naval demonstrations—by the despatch of the "inevitable gun-boat." The men on the spot saw the readiness with which Chinese arrogance and hostility were kept in check by a continuance of the policy of force, and for many years their view received the support of writers in general [76]; but to Mr. Burlingame, Mr. Seward, Mr. Gladstone, and Lord Clarendon, is due the credit of seeing that present conditions could not endure for ever, and that, if China was ever to stand on her own feet, a beginning must be made in requiring the imperial government to do its own police work.

§ 16. The spirit of the age, even of the third quarter of the nineteenth century, was on the side of the innovators; but their critics included many among the ablest men of the time. Foremost among these was Mr. J. Ross Browne, who had been appointed American envoy at Peking in succession to Mr. Burlingame. He considered

[73] "The original idea had been co-operation to enforce progress; but Mr. Burlingame's later conception was co-operation to support stagnation, co-operation in leaving the most stolid and exclusive government in the world to emerge from its seclusion and initiate change—when it pleased."—North-China Herald, April 5th, 1870.

[74] Ibid.

[75] North-China Herald, Jan. 11th, 1870. Cf. chap. xi, *passim*.

[76] The following is typical of the opinions expressed by many writers on the subject. "It was the first public pronouncement of the death of the Palmerstonian tradition, and of the relapse of Great Britain into an effeminate, invertebrate, inconsequent policy, swayed by every wind from without or within, and opposed to the judgment of her own experienced representatives—the policy which has beyond doubt led to the decline of British prestige in Asia."—A. R. Colquhoun, "China in Transformation," p. 221.

that he was hindered in doing his duty to his own country by the surrender of his own government to the persuasive arguments of his predecessor. He saw this so clearly, and expressed his opinions so forcibly in his despatches, that his government felt that he could not properly represent it in the policy which it then held, and it recalled him.[77] While in Shanghai, returning from his post, he received an address from the English and American merchants of the port, expressing their approval of his course. To it he replied in a paper in which, while expressing his disapproval of the new policy initiated under Mr. Burlingame's inspiration, he disclaimed all idea of reverting to the discredited policy of force; and he made a convincing exposition of the course which should be followed by the governments of countries actuated by the principles of Christianity in dealing with countries having other standards.[78] Its effect may be thus summed up: "the way to avoid war with China is to deal firmly with her; show her every consideration, but require her to fulfil every treaty obligation." Mr. Browne was recalled; but before the year had closed his government announced its acceptance, in the main, of the opinions for which it had recalled him.[79]

§ 17. The launching of the mission was due to the initiative of Mr. Hart, and to him it may be left to summarise its results, as they appeared at the time, and not in the light of twentieth-century conditions. In a private

[77] He left Peking on his recall early in July, 1869.—North-China Herald, July 24th, 1869.

[78] See Appendix C.

[79] "You will so shape your private as well as your official conversation as to demonstrate to Prince Kung the sincerity of the United States in its wishes for the maintenance of the authority of the central government and for the peaceful spread of its influence. You will make clear to the government to which you are accredited the settled purpose of the president to observe with fidelity all the treaty obligations of the United States and to respect the prejudices and traditions of the people of China when they do not interfere with rights which have been acquired to the United States by treaty. On the other hand, you will not fail to make it distinctly understood that he will claim the full performance, by the Chinese government, of all the promises and obligations which it has assumed by treaties or conventions with the United States. On this point, and in the maintenance of our existing rights to their full extent, you will be always firm and decisive."—Mr. Fish to Mr. F. F. Low, Dec. 3rd, 1869, U.S. For. Rel., 1870, p. 303.

It may be noted that Andrew Johnson had been succeeded in March, 1869, by Ulysses S. Grant, and Wm. H. Seward by Hamilton Fish.

letter, written before the mission arrived in London, he expressed himself thus : " Mr. B.'s [Burlingame's] text was this :

'The situation is still novel ; our people are not accustomed to it yet ; those of us who do know a little about what treaties and intercourse mean have our hands almost tied by having each to withstand a thousand who are both ignorant, hostile, and suspicious ; we cannot promise to do anything either to-day or to-morrow, but we shall exert ourselves to give all possible effect to treaty stipulations which were hurriedly agreed to, without due consideration as to their feasibility ; do not push us to act without full consideration again ; give us time, and as we know you better we may come to appreciate you more and be ready to learn of and borrow from you.' He held capital cards at first : as it is, the result is that the home public has been entirely misled, and the Chinese here are misled too—they have changed their tone very much during the last eight months ; and talk and act as if the thought that the West had begun to fear China were paramount. I have defended Mr. B.'s speeches inasmuch as I looked upon his way of talking as a rhetorical use of the present tense for the future—a very effective style of address when you wish hearers to picture things vividly ; but the result of the mission as a whole has been misunderstanding at both ends of the line. (Here, for instance, the Chinese held out ten days, after finishing other negotiations, in their refusal to allow the Emperor of Austria to be styled Ta-hwang-ti ; they only gave way yesterday when assured that such an insult would be noticed by the powers and could not be let drop by the Austrian government.) Do you remember how I wrote to you in this connexion just before you left Chinkiang ? [80] There was, at the start, a magnificent rôle to be played : full of value for China, useful to all the world, and sure—if properly played—to redound to the credit of the individual ; judging merely by results so far, the point has been missed ; but of course judgment is still premature, and nothing can be said till the mission comes back and reports progress in person." [81]

The verdict of history must be that the changes wrought by the mission in the policy of Western governments were productive finally of good to China and to the world in general ; but that, in the minds of the rulers of China, its success caused such a revulsion of feeling, and created such confidence in the soundness of their own judgment, a confidence not warranted by existing conditions, as to retard the advance of the empire, at the time and for some years after.

[80] Cf. *antea*, n. 39.

[81] R. Hart to E. B. Drew, Sept. 3rd, 1869.

CHAPTER X

TREATY REVISION, 1869

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§ 1. THE British treaty of 1858 provided that, at the end of ten years, either party might "demand a further revision of the tariff and of the commercial articles of this treaty." [1] Dissatisfaction with the stipulations of the treaty, or with its execution, had been felt by both sides. The Chinese ministers felt most strongly the bitterness of being driven to admit the presence of foreign envoys in the capital, and had set to work at once to obtain a modification of this requirement [2]; this they obtained, but the concession was nullified by their own inconsiderate acts of 1859, and the envoys of the four original treaty powers exercised, from 1861, this right of residence which the Chinese still denied to other powers. [3] In the matter of jurisdiction under the grant of extraterritoriality, the

[1] Brit. tr. Tientsin, 1858, art. xxvii.

[2] Cf. "Conflict," chap. xxii, §§ 21, 22.

[3] Cf. chap. vi, § 4.

foreign merchants had pretensions which would have given them a highly privileged position, and these pretensions were, not infrequently, supported by their consuls; but they were, for the time, kept in check by the foreign envoys in Peking,[4] and on this head the Chinese had small cause of complaint, other than that occasioned by the grant itself. In fiscal and commercial matters there had been many questions to be settled in the years 1861 to 1867. The exemption of the customs from consular jurisdiction had been settled mainly in China's favour [5]; foreign trading at non-treaty ports had been practically suppressed [6]; inland taxation was a constant cause of dispute, with a final settlement not probable in the immediate future [7]; the right of foreign traders to share in the coasting trade, a right not legally theirs, had been admitted, but China had been solaced by receiving an additional half-duty [8]; and many other questions, each of perhaps smaller importance, had been raised and had been settled generally by a compromise.

§ 2. The foreign merchants in China were impatient of compromises which delayed the fruition of their hopes,[9] and the merchants of Shanghai envied the freedom from supervision enjoyed by their partners or rivals in Hong-kong. The position has been aptly characterised thus:

"The conflict between foreign aggressions and Chinese resistance had proceeded without intermission on either side for seven years. In the struggle the Chinese had gained many successes, but the fruits of them had not been secured beyond the risk of reprisal. Both sides were ill at ease. The foreigners on their part had been buoyed up under their grievances by the hope of readjustment of international relations, which had been provided for in the treaties of Tientsin and Peking. . . . The foreigners hoped for freer intercourse; the Chinese wished to restrict what already existed." [10]

But, while the foreign merchants looked for an extension of their privileges, already great, they expected that they should still be covered, in all their doings, by the

[4] Cf. chap. vi, §§ 11-17.

[5] Cf. chap. vii, §§ 4-7.

[6] *Ibid.*, § 8.

[7] *Ibid.*, §§ 9-10.

[8] *Ibid.*, §§ 12-14.

[9] Cf. "Conflict," chap. xxiv, §§ 1, 2.

[10] Michie, "The Englishman in China," ii, p. 180.

cloak of extraterritoriality. And, while the Chinese authorities might wish to restrict the extraordinary privileges already conceded, they dreaded the future and were fearful that they might be driven to make still further concessions. For the administration was weak in its relations with foreign powers, was weak also in its ability to control the provincial authorities, and was weakest in its powerlessness to adapt itself to the novel situation into which the empire had been forced by the treaties.

§ 3. Both sides prepared for the contest. The Tsungli Yamen on October 12th, 1867, issued a circular addressed to the viceroys and governors of the provinces. Starting with the statement that "the barbarian question is one of old standing," it referred to the difficulties and dangers to the state resulting from the aggressiveness of foreign powers, equipped as they were with modern arms and strong in the possession of railways and steamships. Formerly the foreign merchants had been restricted to one port, in which they could be kept under control; but now they had lines of entry at a dozen different points. How to avoid a rupture, and, if a rupture could not be avoided, what course to follow, on this the opinions of the high officials were sought. The points to be discussed, as likely to be brought up by the foreign envoys, were the following: (1) Audience of the emperor; (2) a Chinese embassy abroad; (3) the construction of railways and telegraphs; (4) the admission of foreign salt and the opening of coal mines in China; (5) the right of foreign merchants to reside and trade in the interior; (6) increase of privileges to missionaries.[11] Of the replies received, two deserve special consideration, from their ability and from the position of the writers—those from Tseng Kwo-fan and Li Hung-chang.

§ 4. These two men had saved the empire, as much by their organising power and political capacity as by their military ability.[12] After the suppression of the Taiping rebellion Tseng Kwo-fan, titular viceroy of Nanking, the ten-years beleaguered capital of the Taiping Wang, was appointed to be generalissimo of the forces of the empire to suppress the Nienfei, mounted banditti who raided the

[11] Circular summarised in Michie, *op. cit.*, ii, p. 182.

[12] Cf. chap. iv, §§ 3, 4.

country between Peking and the Yangtze. At the same time Li Hung-chang was appointed acting viceroy at Nanking, though a fundamental law of the empire was thereby broken in appointing a Chinese to rule over a territory comprising his native province.[13] After a year's campaign in Shantung, the court, alarmed at the preponderating influence exercised by two all-powerful subjects working in close harmony, summoned Tseng to Peking on promotion as president of the ministry of War, and ordered Li to assume command of the forces in the field; but Tseng went on sick leave, and Li refused to surrender his Nanking viceroyalty except to a nominee of his own selection, fearing the consequences if his base of operations were in the unfriendly hands of his designated successor, the Manchu Wutang. Backed by the troops, Tseng by those of Hunan, Li by those of Anhwei, who had suppressed the Taiping rebellion and were then engaged in operations against the Nienfei, the two associates were too strong to be crushed by a court intrigue; and, in 1867, Tseng was recalled to the Nanking viceroyalty, while to Li, appointed titular viceroy at Wuchang, was entrusted the conduct of the campaign against the Nienfei. After great difficulties, unprovided with cavalry and having only infantry against bandits of whom every man was mounted, hampered by his baggage train while the enemy roamed through the country, he hemmed them in by circumvallations and ditches; and finally, in August 1868, with the aid of the Mongol horsemen, he cut them to pieces in a battle to which he had forced them. The honours and titles of which, to his small concern, he had been deprived, were then restored to him by grace of the emperor; and the two remained the chief Chinese subjects of the empire.[14] Of the two, Tseng had been brought little into contact with foreigners, and, if his sense of humour were small, might pride himself on having suppressed the great rebellion

[13] Li was a native of Anhwei. The Nanking viceroyalty (of the Two Kiang) included Kiangsu, Kiangsi, and Anhwei. The rule, as on this occasion, was sometimes broken for an acting incumbency; e.g. in 1803 Tsen Chun-hsüan, a native of Kwangsi, was appointed acting viceroy at Canton that he might suppress the rebellion in Kwangsi.

[14] North-China Herald, Oct. 20th, 1866, Feb. 16th, 1867, March 14th, Sept. 5th, 1868; Douglas, "Li Hung-chang," p. 91; Mrs. Little, "Li Hung-chang," pp. 52 seq.

without their aid [15]; while Li had seen much of them, in war, in diplomacy, and in administration, and had learned to respect them for their good qualities and to dread them for their bad.

§ 5. Tseng Kwo-fan's memorial was the utterance of a blunt soldier, and not that of a diplomat. "In all our foreign relations the most important things to be considered are good faith and what is right, and perhaps even above these should be placed decision. What we cannot yield should be firmly declared and a stand made; but those privileges which we can concede might be notified in direct and plain terms." Foreign nations were constantly encroaching on each other, and now desired further points of entry into China; and concession could only increase the distress of the Chinese traders and people. Admission of foreign salt would destroy the Chinese gabelle, the right to trade in the interior would ruin the Chinese traders, steamers on the inland waters would drive out the junk and beggar the sailors, and railways would bring carters, muleteers, and porters to destitution. Of all the points mentioned, the opening of mines alone seemed worthy of a trial; the others should be strenuously resisted, even, if necessary, to the arbitrament of war in a just cause. On the audience question he advocated a course which would, "on the whole, best befit the equality admitted, and at the same time exhibit our courtesy and dignity." He approved the mission of Chihkang and Sun Chia-ku [no mention of Mr. Burlingame]; and was inclined to be conciliatory on the subject of missionaries. "Although foreign nations are crooked and deceitful, they yet know that reason and right cannot be gainsaid, and that the wrath of a people cannot be resisted. By being entirely frank we may perhaps move them to hear reason." The whole memorial breathed the spirit of resistance and war; and, in transmitting the document, the American representative expressed his agreement with the arguments against the introduction of steamers and railways, and contrasted the benevolent disposition of the memorialist

[15] After the Tientsin massacre Tseng Kwo-fan's "general inaction, his fear of the people, and his want of decision have led people very generally to wonder how he won his former laurels, and to think that he is an overrated man, of but mediocre ability (in which opinion I fully concur)." —R. Hart to E. B. Drew, Sept. 28th, 1870.



公 正 文 曹

TSENG KWO-FAN.

towards missionaries with the brutalities exercised against Chinese in California.[16]

§ 6. Li Hung-chang in his memorial manifested those qualities of the statesman which marked his whole career.[17] "It is often said that foreigners are crafty and malign and full of unexpected ruses; but is it not the fact . . . that the outrageous craft and malignity of the Chinese exceeds even that of the foreigners?" Foreign nations were strong and China weak because the former had realised that "a government is strong if it provides food for the people and warlike equipment for its troops, and if it has gained the confidence of the people." Why were the foreign powers so full of confidence? "Telegraphs, railways, steamers and machinery—the things on which foreign strength depends—can also be adopted by China. . . . Chinese travelling abroad bear testimony that these things, so far from being harmful, are advantageous;" but the foreign powers should be urged not to press for a premature or hasty decision. An audience must be granted, when the emperor attains his majority, and on terms of national equality; and legations abroad, already twice sanctioned, must be continued. Missionary work was spreading and was doing harm; and care must be taken that the people were not withdrawn from the jurisdiction of the officials, and that no compulsion should be used in making converts. A sturdy resistance should be offered to any aggression which might lead to the annexation of Chinese territory; but, until the rebellions in Shantung and in the north-west were suppressed, China was still too weak to take strong action. In commercial matters foreigners must be urged to adopt a policy of "give and take," and not demand all the profit for themselves. "Memorialist has had several years' experience in conducting business with foreigners, and is thoroughly familiar with their character; he has found that, no matter what they are engaged in, they act honourably without deceit or falsehood;" and he urged that the negotiations should

[16] Mr. S. Wells Williams to Mr. Seward, July —, 1868, U.S. For. Rel., 1868, i, p. 519, sending a translation of the memorial.

[17] In Peking in 1879 ex-president U. S. Grant stated in the hearing of the author that, in his tour of the world, he had met three great statesmen, Disraeli (then prime minister of England), Bismarck, and Li Hung-chang.

be conducted on the basis of fair argument, while coercion should be resisted by force.[18]

§ 7. Sir Rutherford Alcock, the British envoy at Peking, invited expressions of opinion from the chambers of commerce in China,[19] and the Foreign Office took the same course with the chambers of commerce in the United Kingdom.[20] The latter made few suggestions, and were generally inclined to support the recommendations of the Shanghai chamber.[21] The merchants in China were, however, more keenly interested and better informed, and their memorials entered fully into their grievances and the remedies they proposed. The merchants of Hongkong, jealous for the free status of the port, resented the fact that they had not been directly invited to express their opinion [22]; they sent a memorial, however, but sent it to the Colonial Office and not to the British representative in Peking.[23] In it they declared that "in many material respects the existing treaty is unfulfilled on the part of the Chinese government," and "urged the advisability of requiring compliance with both the spirit and letter of evaded and unfulfilled provisions." The memorial was throughout on this note. It reprobated the obstructiveness of the Chinese officials, denied the wisdom of appeals to Peking, and "desires to see reform in this matter, and restoration of the prestige of Her Majesty's consuls." It demanded privileges for Protestant missionaries, freedom of travel and extension of steam navigation in the interior,

[18] Memorial, Dec. 1st, 1867, cited in Michie, "The Englishman in China," ii, p. 185.

[19] Circular, Sir R. Alcock to consuls in China, May 28th, 1867, corr. resp. Revision of the Treaty of Tientsin, 1871, p. 5.

[20] Circular, F.O. to British chambers of commerce, Sept. 5th, 1867, *ibid.*, p. 9.

[21] E.g. memorials of Manchester and Liverpool chambers, May 4th and 14th, 1868, *ibid.*, p. 118. "No suggestions," Cardiff chamber, Sept. 11th, 1867, *ibid.*, p. 11.

[22] Governor Sir R. G. MacDowell to Duke of Buckingham, Oct. 31st, 1867, *ibid.*, p. 43.

[23] "The chamber of commerce at Hongkong express great anxiety to learn how far their views coincide or differ from mine, before I could have any opportunity of reading the exposition of their own; and, although they have taken a singularly circuitous method of arriving at any knowledge of my views, by applying in the first instance to the Governor of Hongkong, and through the Colonial Department at home to the Foreign Office, instead of to myself personally. . . ."—Sir R. Alcock to Lord Stanley, Dec. 23rd, 1867, *ibid.*, p. 84.

the right of residence and trade "at other places,"[24] i.e. in interior marts, surrender of absconding debtors, serious reductions in the customs tariff, and placing the "inland revenue department" under the foreign customs as the only means of checking the "illegal exactions levied on goods in excess of the tariff." It declared for a restoration of the powers of consuls in the erection of light-houses and in confiscation cases, "protesting emphatically against the introduction of a procedure placing H.M. consuls in a lower position than formerly accorded to them . . . this chamber has from the very first denied the right claimed by employés of the Chinese maritime customs to adjudicate in cases of contravention of the revenue laws." [25] It protested against any regulations affecting adversely the trade of Hongkong, which formerly "had the same advantages as a Chinese port for the purposes of transshipment, a position simply commensurate with the spirit and intention of the treaty"; and it urged the opening of mines, the construction of railways, and the erection of telegraph lines.[26]

§ 8. Memorials were received from the merchants of all the treaty ports. Living under actual treaty conditions, they might have been expected to be more advanced in their views than the Hongkong merchants, but, in fact, they expressed themselves more reasonably. Some of the memorials from the smaller ports contained proposals which were not mentioned in the Shanghai memorial, such as the opening of the Yellow River to steam navigation, reform of the currency, etc.; but the latter may be taken as typifying the tone of all. The Shanghai chamber took as its standpoint the postulate that "the design of the treaty [of 1858] was, by throwing open the producing and consuming districts to foreign capital and energy . . . to introduce an element of progress into our trading relations, previously shackled by innumerable artificial and unjust restrictions." After this *ex post facto* exposition of its

[24] Brit. tr. Tientsin, 1858, art. xii. The official interpretation of "other places" was this—"at the treaty ports, whether they are ports on the sea, such as Amoy, or other places, such as Hankow, 600 miles up the Yangtze."

[25] Cf. chap. vii, §§ 4-7, 11.

[26] Memorial of Hongkong chamber of commerce, Oct. 19th, 1867, "Revision," 1871, p. 44.

design, the chamber complained that "a desire has been shown, in interpreting the treaty, to ignore that element of progress" and to "read the clauses conferring privileges in a light adverse to foreigners"; and special reference was made to denial of the right to reside and trade "at other places" than the treaty ports. Instances were given of "unredressed claims against the Chinese government," and complaint was made of illegal exactions on trade, not only in the interior, but in the treaty ports as well. The chamber then argued that "unless this privilege of residence in the interior be accorded, the force and bearing of the treaty applicable to the freedom of trade from the arbitrary restrictions placed upon it will be wholly lost." As an alternative it proposed the right to reside within 200 miles of a treaty port. It disclaimed any desire to open the question of general steam navigation in inland waters, but insisted on the right for small steamers carrying treasure and cargo belonging to foreign merchants. It claimed that "the levy of a single cash upon foreign manufactures in excess of the treaty dues ought . . . to become the subject of prompt remonstrance . . . and immediate demand for redress," and should be prohibited; it complained of the inequitable administration of justice in mixed cases, more especially in civil suits; and it demanded that, in revenue cases, those involving the penalty of confiscation should be brought under the jurisdiction of the consuls,[27] by the expedient that "a seizure of goods should be effected merely with the object of obtaining tangible security for the payment of such just fine as may be inflicted by the consul or court of the foreigner concerned." In the tariff it proposed few and unimportant changes, but it asked that sanction be given to the importation of salt for sale to the government; and it expressed no opinion on the questions of railways, mines, and telegraphs.[28]

§ 9. On November 8th, 1867, Sir R. Alcock addressed to his colleagues, the foreign envoys to China, a memorandum in which he dealt fully with the corruption and disorganisation of the imperial administration, and asked

[27] Cf. chap. vii. §§ 7, 11.

[28] Memorial of Shanghai chamber of commerce, Nov. 7th, 1867, "Revision," 1871, p. 17.

whether the "restoration of order and the great changes and reforms [which] would be required, could be obtained by friendly negotiation"; if they could not be obtained "by any amount of pressure short of coercion or a menace of war," it was a question whether they should not wait until the emperor attained his majority; and, after declaring that, with all its defects, "the government of China has answered the end of all government in a very wonderful degree . . . that [the Chinese] have much to be proud of," he proposed that the envoys should consult their respective governments.[29] To his own government he wrote declaring that "anything short of these [the demands of the memorialists] will avail very little, and scarcely confer any advantage worthy of serious effort," and that he believed "the true policy of foreign powers would be to wait . . . that [the Chinese] would go much faster and better if left alone." He admitted that his policy "will not satisfy the merchants, but I am well assured such a course will best secure the permanent interests of trade and the maintenance of friendly relations between the two countries." [30] Later he commented on the argument that "the unanimity of the memorials was a proof of their correctness"; and pointed out that, in complaining of the abuses, which admittedly existed, the memorialists "both overlook the insuperable obstacles existing in the condition of the country, its laws and customs, and the scarcely less insurmountable difficulties created by the fraudulent practices and want of good faith in their own class." He asserted that "to this question of change and the introduction of sweeping and large reforms, both the hopes and fears of Western powers are attached"; and expressed his own fear that "the assumption of superiority and right of dictation which pervades the whole of these memorials, in so far as they may be adopted by foreign powers, constitutes one of the greatest impediments to progress under such circumstances. . . . If foreign powers would guide and not coerce this people, they must begin by convincing and persuading them." [31]

[29] Memorandum on the present condition of the Chinese empire and its internal administration, in connexion with the revision of the treaties, Nov. 8th, 1867, *ibid.*, p. 57.

[30] Sir R. Alcock to Lord Stanley, Nov. 15th, 1867, *ibid.*, p. 56.

[31] Same to same, Dec. 23rd, 1867, *ibid.*, p. 79.

§ 10. It was only the British treaty which provided for revision in 1868,[32] and, by common consent, the matter was left in the hands of the British envoy, well qualified for the task by his breadth of view and his long acquaintance with Chinese conditions. The American government instructed its representative that China should be "advised and solicited" to allow steam navigation on inland waters and to introduce railways and telegraphs; but "these desirable changes are not to be pressed with such urgency as to endanger the stability of the present government or the internal peace and tranquillity of China." So long as the British government adhered to this limitation, the American envoy was instructed to "lend them your good offices and cordial support." [33] In the meantime the Burlingame mission had produced its effect at Washington and London; and the British government, after a study of all the reports and memorials it had received, proposed to defer a full revision and final settlement until the emperor should attain his majority, in 1872 or 1873. In the interval, its envoy was "to obtain, if possible, the consent of the Chinese government to such arrangements as they have already expressed their willingness to adopt." [34] This proposal was communicated to the various powers having treaty relations with China, and support to it was promised by the American,[35] French,[36] North-German,[37] Spanish,[38] Belgian,[39] and Netherlands[40] governments.

[32] The French treaty of 1858, art. xl, provided for revision in twelve years after the exchange of ratifications; the others were silent, but all claimed the benefit of the most-favoured nation clause.

[33] Mr. Seward to Mr. Browne, Sept. 8th, 1868, U.S. For. Rel., 1868, i, p. 572.

[34] Board of Trade to Foreign Office, May 19th, 1869, "Revision," 1871, p. 345.

[35] Mr. Fish to Mr. Thornton, Mr. Thornton to Lord Clarendon, June 12th, 1869, "Revision," 1871, p. 375.

[36] M. de Lavalette to Lord Lyons, Paris, June 28th, 1869, "Revision" 1871, p. 378.

[37] Count Bismarck to Lord A. Loftus, Berlin, June 9th, 1869, *ibid.*, p. 370.

[38] Senor Silvela to Mr. French, Madrid, July 21st, 1869, *ibid.*, p. 393.

[39] M. Vanderstichelen to Mr. Lumley, Brussels, Aug. 3rd, 1869, *ibid.*, p. 402.

[40] M. van Limbourg to Admiral Harris, The Hague, Aug. 18th, 1869, *ibid.*, p. 405.

§ 11. Revision in full was thus deferred, nominally until the majority of the emperor—actually until the Greek Kalends, under conditions as they could then be seen; and it was not again taken up until after the Boxer rising. The powers arrived at this decision after the Burlingame mission had drawn the American people and the British government into sympathy with the wishes of China; but it was also in accord with the judgment of Sir R. Alcock, the protagonist of the play, who had expressed his opinion in favour of this policy before the Chinese government decided to despatch the mission,[41] and had definitely formulated his proposals before the date of the imperial commission to the envoys,[42] and some months before they landed in San Francisco. He addressed himself, then, to his minor task of remedying some pressing abuses and causes of friction. Before the larger project was definitely deferred, a sub-committee had been appointed, consisting of Mr. Hugh Fraser, secretary of legation, and Mr. T. Adkins, of the consular service, acting for the British minister, and Mr. Hart with “two of the oldest clerks in the Foreign Office, on the part of Prince Kung.”[43] On the results of their study of the question, Sir R. Alcock consulted freely with all of his diplomatic colleagues in Peking,[44] one of whom declares, as a reason for giving his support, that “nearly every privilege possessed now by Christian nations in this empire has been obtained and maintained by the British government and its officials in China.”[45] This mass of work finally resulted in a convention, signed October 23rd, 1869.[46]

[41] Memorandum, Nov. 8th, 1867, cf. *antea*, n. 29; Mr. Burlingame first approached at “end of November,” cf. chap. ix, § 4.

[42] Sir R. Alcock to Lord Stanley, Dec. 23rd, 1867, cf. *antea*, n. 31; in commission to Burlingame dated Dec. 31st, 1867, cf. chap. ix, § 8.

[43] Mr. Williams to Mr. Seward, Sept. 26th, 1868, U.S. For. Rel., 1868, i, p. 575.

“It is treaty revision that keeps me here. . . . I, the middle man, bear all the blows; but both sides look as if they were going to put things in my hands, and, in that case, I will get things settled in a week.”—R. Hart to E. B. Drew, Oct. 8th, 1869.

[44] Mr. Williams to Mr. Seward, *ubi sup.*; Sir R. Alcock to M. von Rehfues [dean of diplomatic body] Oct. 20th, 1869, “Revision,” 1871, p. 421.

[45] Mr. Williams to Mr. Seward, *ubi sup.*

[46] Text of convention in “Revision,” 1871, p. 414.

§ 12. The convention was not ratified, and its provisions may be briefly summarised as follows.

China might appoint consuls in any British port; it was recognised that this referred especially to Hongkong, where it was hoped that the consul might "control the smuggling propensities of his own countrymen in league with the foreign merchant." [47]

Cotton, linen, and woollen fabrics imported were to pay one and a half duties simultaneously and were then to be exempted from all taxation, as in Western countries, within the limits of the treaty-port provinces, ten in number.

On native produce exported proof of payment of inland dues was to be exhibited, the excess over a half duty being refunded.

Hongkong was to acquire the benefits of a treaty port for transshipment of Chinese produce, but was to lose the privilege of converting Chinese produce into foreign imports when imported from Hongkong.

Wenchow and Wuhu were to be opened as treaty ports, and Kiungchow was to be dropped.

The procedure in joint investigation [48] and in pilotage [49] was accepted on both sides.

The duty on opium was increased from thirty to fifty taels a picul; and, in return, foreign merchants might trade at non-treaty ports in boats of native type, bonded warehouses were to be established, a tug provided for foreign boats of native type on the Poyang Lake, and coal mines opened by Chinese.

The duty on silk was increased from ten to twenty taels a picul, in return for some minor tariff concessions.

§ 13. In the light of the intervening years, the terms of this convention seem reasonable and fair to both sides, and it reflects credit on all concerned in its negotiation. Many of its provisions have since been adopted piecemeal; unavailing attempts have been made, as in 1902, to procure the benefits of others of the provisions which were then obtained and rejected. But it failed to provide for one indispensable condition, that it should be formally accepted

[47] Sir R. Alcock to Lord Clarendon, Oct. 28th, 1869, *ibid.*, p. 410.

[48] *Cf.* chap. vii, § 11.

[49] *Ibid.*, § 18.

by all the treaty powers, then twelve in number.[50] This, however, while it wrecked the revision of 1902, was not the rock on which the revision of 1869 came to grief. That was found in the "assumption of superiority and right of dictation" [51] by the English merchants in China, and their partners and supporters in England. They had demanded much; much too had they obtained; but they demurred at paying a price for what, they considered, should be theirs by right. Memorials poured in, pointing out that China was giving too little and asking too much, and declaring that it was better to stand on the treaty of 1858 than on the convention of 1869; and there was a general demand that ratification of the latter should be refused.[52] The opposition was directed against every one of the provisions of the convention, without exception. The tariff changes were declared, on the basis of the trade of 1867, to involve a surrender by China of revenue amounting to Tls. 42,833, and a gain to China of Tls. 1,650,000, while the countervailing benefits were illusory.[53] China, it was asserted, was "not entitled to all the rights enjoyed by civilised nations," and a strong protest was made against the results of the Burlingame mission.[54]

[50] "Here a real difficulty presents itself. . . . If on ratification by England other states may not accept all [the stipulations], but only some of them, or rather may accept all that China concedes, but refuse to assent to all that England assents to . . . therefore some method of procuring acceptance by all must be here devised."—Note by R. Hart, "Revision," 1871, p. 418.

[51] Cf. *antea*, § 9, n. 31.

[52] Memorials resp. China Treaty Revision Convention, 1870, containing:—Memorial of merchants in London interested in the trade with China, Feb. 10th, 1870; Memorial from the Shanghai chamber of commerce, Dec. 31st, 1869; Resolutions passed by the Glasgow chamber of commerce, Jan. 19th, 1870; Memorial of the Leith chamber of commerce, n.d.; Memorial of Edinburgh chamber of commerce, Feb. 10th, 1870; Resolution of Dundee chamber of commerce, Feb. 16th, 1870; Memorial of Manchester chamber of commerce, Feb. 17th, 1870; Memorial of Macclesfield chamber of commerce, Jan. —, 1870.

Further memorials resp. China Treaty Revision Convention, 1870, containing:—Paper read by the Earl of Clarendon at an interview with a deputation, etc., Feb. 28th, 1870; Mr. Matheson to Lord Clarendon, March 14th, 1870; Hongkong chamber of commerce to Lord Clarendon, Jan. 21st, 1870; Memorial of inhabitants of Hongkong, Jan. 21st, 1870; Messrs. Sassoon & Co. to Lord Clarendon, March 22nd, 1870; Halifax chamber of commerce to Lord Clarendon, March 22nd, 1870; Resolution of East India and China Association, Liverpool, March 23rd, 1870.

[53] Memorial of Shanghai C. of C., *ubi sup.*

[54] Hongkong C. of C. to Lord Clarendon, *ubi sup.*

§ 14. The opposition was most pronounced on two points. The merchants interested in Hongkong, while protesting against the apparent result of depriving that colony of its status of a "foreign" port, protested most strongly against the intention of appointing a Chinese consul to reside there. He would "in reality be a spy on the Chinese merchants residing in this colony . . . and his main duty will be to report to the mandarins of the adjoining provinces the amount that can be extorted from them." [55] Such an appointment would, in addition, drive trade from Hongkong to Macao or elsewhere, as the consulate "would obtain accurate knowledge of the goods imported or exported by Chinese traders, and on the departure of the boat outside the waters of this colony, she would be seized and detained for the payment of duties or squeezes by the revenue cruisers which, even now, are trying to hem the colony in." [56] In other words, Hongkong persisted in its resistance to any attempt to introduce into the colony any semblance of a Chinese revenue officer, whom originally the British government was inclined to tolerate, with the avowed intention of protecting the Chinese revenue. [57] Stronger still, and absolutely unanimous, was the opposition to the provision requiring foreign woven fabrics to pay one and a half duties, in consideration of being thereby exempted from all taxation of any sort within the ten treaty-port provinces. None of the merchants, interested in the trade of China, would trust the Chinese government; and, even if they could admit the *bona fides* of the imperial administration, the past had shown too clearly that it was powerless to check malpractices in the provinces.

§ 15. On the advice of its own representative the British government had deferred the revision of the treaty of 1858, and was now driven by public opinion to abandon even the minor attempt to regulate some proved evils. The ministry informed Sir R. Alcock that they "most highly appreciate and approve your zealous and indefatigable exertions throughout the whole of the long and

[55] Hongkong C. of C. to Lord Clarendon, *ubi sup.* Also memorial of inhabitants of Hongkong, and memorial of merchants in London, *ubi sup.*

[56] Memorial of inhabitants of Hongkong.

[57] Cf. "Conflict," chap. xi, § 17; chap. xxiv, § 6.

difficult negotiations . . . and H.M. government much regret that the view taken by the mercantile associations . . . of the probable benefit of that convention . . . has not coincided with the view which H.M. government had hoped would be taken of it.”[58] Lord Granville’s expression of regret to the various mercantile associations was equally strong [59]; but the hostile opinion was too unanimous to be resisted, and ratification of the convention was refused. The refusal meant one thing, and one thing only—that the Chinese administration could not be trusted; and this opinion of the protesting memorialists was, at bottom, also the opinion of the author of the convention, expressed in these words—“Pressure, indeed, there must always be here if anything is to be achieved for the advancement of foreign interests and commerce. In one way or another, however we may disguise it, our position in China has been created by force—naked, physical force; and any intelligent policy to improve or maintain that position must still look to force in some form, latent or expressed, for the results.”[60]

[58] Lord Granville to Sir R. Alcock, July 25th, 1870, Further corr. resp. China Treaty Revision Convention, China No. 11 (1870), p. 4.

[59] Lord Granville to several memorialists, July 25th, 1870, *ibid.*, p. 3.

[60] Michie, “The Englishman in China,” ii, p. 221.

CHAPTER XI

CHINESE HOSTILITY TO MISSIONARIES

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§ 1. PRINCE KUNG declared to Sir R. Alcock on his departure from Peking in 1869—"Take away your opium and your missionaries, and you will be welcome." At about the same time, Wensiang said to him—"Do away with your extraterritoriality clause, and merchant and missionary may settle anywhere and everywhere; but retain it, and we must do our best to confine you and our trouble to the treaty ports." [1] In these two utterances may be found the key-note of China's attitude to the missionary question. The missionaries were coupled with

[1] R. Hart, "These from the Land of Sinim," p. 68; W. A. P. Martin, "A Cycle of Cathay," p. 449; North-China Herald, Jan. 25th, 1872.

opium, not because both were foreign evils, nor because the brute force which, as her statesmen held, had forced the one on the country, had also forced the other; but because they were, they contended, two evils, upheld by foreign force, which, one equally with the other, interfered with the proper administration of the provinces, and brought disorder in their train.[2] So, too, the merchant and missionary alike were upheld by force in their exceptional privileges; and, if the missionary were to be covered by the cloak of extraterritoriality in his work in the interior, the same privilege must be granted to the merchant, not only for his person, but for his trading operations as well.

§ 2. The equality of nations had, with great reluctance, been accepted by China; and there remained only opium, the merchant, and the missionary, to disturb the equanimity of the Chinese official. The merchant, even when restricted to residence within the limits of a treaty port, interfered through his treaty rights with the taxing power of the officials; even in the case of his own goods it was felt as a hardship that the taxing authorities were debarred from levying dues which might be levied on Chinese owned goods; and when, as too often happened, he lent the cloak of his name to purely Chinese trade, to the feeling of hardship was added a sense of indignant resentment; and this feeling was an effectual bar to any extension of the merchant's privileges into the interior. The missionary, even in the treaty ports, was unpopular; he introduced a ferment of thought, of the rights of man, of indignation at the decisions of the unjust judge, of reprobation of the corruption of the mandarinat of the empire; and this ferment of thought was one to leaven the mass of Asiatic submission and blind acceptance of authority. The populace, too, resented his teaching. He divided families; he interfered with the rites of ancestral worship; he taught that

[2] "The convert does not cease to be a Chinese subject when he embraces Christianity; but, like all other Chinese subjects, must continue to observe his country's laws and submit to his country's tribunals. The missionary is simply a missionary, and must confine himself to a missionary's work, and avoid everything that savours of interference in litigation and intervention of any kind where Chinese official action is concerned. It is only by insisting on an unswerving adherence to this principle that the hostility of local populations, provincial officials, and central government can be disarmed, and evangelisation freed from the disabilities it now labours under."—R. Hart, *op. cit.*, p. 107.

the Buddhist and Taoist ceremonials which were imbedded in their life were heathen, and that the principles of Confucius were not entitled to the epithet "holy," which was their traditional title for the Master; he required his converts to cease to contribute to the upkeep of village and of family worship; and all this for a "foreign religion," which none but his converts accepted as in any way superior to the various religions prevalent in China. The later results of the work done so quickly by the missionary were not then manifest; and, at the outset, he was to the officials a busybody and a firebrand, and to the people a disagreeable innovator.

§ 3. To restrict his work to the treaty ports was to deny to the missionary the opportunities for which he had come to China. The earlier period, 1842 to 1860, was a time of study and preparation; but, after the peace of 1860, and still more after the appeasement of the country between 1864 and 1867, the missionaries began to look further afield and to seek for opportunities to preach the gospel to the millions of the empire; and for these they required the right to live and preach in the interior. The Roman Catholic missionaries of the sixteenth and seventeenth centuries had enjoyed this right, and their churches were to be found in many hundreds of the cities, in many provinces, of the empire. These were suppressed, and the mission property confiscated, by the Emperor Yungcheng in 1724; but toleration was again accorded in 1844, and in 1846 a further imperial decree ordered the restoration of the confiscated property.[3] In 1860 it was further provided by the Peking convention that this property should be restored through the French representative in China; and in the Chinese text was interpolated a provision that "it shall be lawful for French missionaries in any of the provinces to lease or buy land and build houses." [4] Privileges which the Catholic missionaries enjoyed were, naturally, also claimed by the Protestants; but the latter also based their claim on the British treaty, which granted the right "whether at the ports or at other places," to build warehouses, churches, etc.[5] That the

[3] Cf. "Conflict," chap. xii, § 12.

[4] Ibid., chap. xxvi, § 28.

[5] Brit. tr. Tientsin, 1858, art. xii.

clause extended this right to the interior has been denied consistently by all in official position, both Chinese and foreign, but this interpretation has been insisted on by merchant and missionary alike.[6]

§ 4. The missionaries of all creeds, and in all places, were objects of detestation by the people, who were ready to do anything to annoy them or to injure them; and they were no less disliked by the officials, who did not feel too ready to oppress the sheep committed to their care, in order to protect those whom they regarded as ravening wolves. This feeling was manifested at an early date. In October, 1859, "three months after the exchange of ratifications of the American treaty, which provides for the full toleration by the Chinese of the Christian doctrine," the magistrate of Lülinghien in Kiangsi issued a long and virulent proclamation against the preachers and professors of Christianity, fulminating against them the terrors of the old law prescribing death and banishment to both.[7] In December of the same year, in a village near Amoy, a Chinese elder of an English mission "has had two actions brought against him before the magistrate, ostensibly on other pretexts, but really because of his Christianity." [8] In the same month the magistrate of Hangchow ordered the expulsion from the city of a Chinese colporteur, [9] who had been sent there by American missionaries at Ningpo. [10] These episodes manifested in early days a spirit which prompted the officials in the provinces to regard as of no consequence the grant of toleration by the imperial government, or its undertaking to protect the preachers and adherents of Christianity.

§ 5. During the months, May 1868 to January 1870, in which Mr. Burlingame was declaring to the governments and peoples of the West that China had entered on the path of peace and progress, and was ready to plant the shining cross on every hill and in every valley, [11] the

[6] Cf. *antea*, chap. x, § 7 and n. 24.

[7] Mr. Bruce to Lord J. Russell, March 15th, 1860, corr. resp. Christianity in China," 1860, p. 3.

[8] Letter of W. A. P. Martin in *North-China Herald*, Feb. 11th, 1860. It must be borne in mind that being summoned to a Chinese court was a much more terrible thing than a mere judicial process.

[9] Colporteur, a distributor of religious books, gratuitously or by sale.

[10] Letter of W. A. P. Martin, *ubi sup.*

[11] Cf. chap. ix, § 9.

soldiers of the cross in China were subjected to a series of outrages which furnished a strange commentary on his eloquent phrases. The causes were doubtless, in many instances, to be found in the unregulated zeal of the missionaries, and their impatience at the restraints placed on their work; and the people were, unquestionably, influenced by dense ignorance and a childish and unreasoning credulity; but in China the officials are armed with great powers to repress disorder, and so constant a failure in the discharge of their primary duty can only be attributed to a lukewarmness in their protection of the missionaries in their work. The various disturbances will be referred to in their chronological order, regardless of locality, in order that the reader may note the effect of Lord Clarendon's declaration of protest by diplomacy instead of local coercion.

§ 6. In Kwangtung the Roman Catholic missions were much distressed during the years 1867, 1868 and 1869. At Tayung, in October, 1867, Père Verchère was committed to prison; and in August, 1868, Père Dejean was injured in a popular rising against the mission. At Luichow, in December, 1868, a mob attacked the mission, wounding the Abbé Delavay, destroying the chapel, killing seven and wounding about a hundred Chinese converts. In July, 1869, a female convert was "arrested and tortured, being charged with practising magic on young children, extracting their eyes, their marrow, and even their soul, for making medicaments." [12] This is a charge which will be heard again. In Chihli, at Hienhien, Père Leboucq in 1868 was nearly killed, in February by the Nienfei, in May by imperial troops, in August by typhoid. The imperial commissioner, Chunghow, issued a proclamation, enjoining the populace to respect and protect the mission and its orphanage; but it was pillaged, in a mob rising, on May 18th, 1869. [13]

§ 7. We now come to the time of Mr. Burlingame's stay in San Francisco. On April 24th, 1868, a mob attacked and destroyed the Roman Catholic and (English) Protestant churches at Fengshan, near Taiwanfu (later

[12] "Missions catholiques," ii, p. 322, cited in Cordier, "Rélations de la Chine," i, p. 329.

[13] Cordier, *op. cit.*, i, p. 345.

Tainanfu) in Formosa, the exciting cause being "a report which had become current among the Chinese that the missionaries were using some sort of poisonous drug and administering it in secret doses to induce them to become converts." [14] The British envoy called upon the Chinese government to "compel the local authorities to do justice," but, at the same time, thought it "very desirable that a British gunboat should be on the station to support the consular authority." [15] The inferior authorities [16] took no such small view of their functions, and grasped the opportunity to demand a settlement of all outstanding grievances—viz. settlement of protest against the camphor monopoly and restoration of camphor seized from Ellis & Co.; release of son of Ellis & Co.'s comprador; trial of Tin Hai for stabbing Mr. Hardy; trial of Hwang Hsi for murdering the Chinese catechist; investigation and compensation for Protestant mission; ditto for Roman Catholic mission; a proclamation enjoining respect for Christianity and protection to the missions. [17] Impatient of prolonged discussion, the naval forces seized the forts at Anping, the port of Taiwanfu, killing twenty-one and wounding twenty-one Chinese soldiers in the process: and with this material guarantee in hand, obtained \$40,000 in cash as guarantee for fulfilment of their demands in full, \$5000 as indemnity for coal and ammunition expended, and \$5000 as prize money. These demands were repudiated by the British authorities [18]; but in the end, all who could be punished were punished, and all who could be compensated were compensated, Ellis & Co. receiving \$6000, the Protestant mission \$1167, and the Roman

[14] Mr. G. Jamieson to Sir R. Alcock, Takow, April 24th, 1868, corr. resp. *Missionary Disturbances at Chefoo and Taiwan (Formosa)*, p. 1.

[15] Sir R. Alcock to Adm. Sir H. Keppel, Aug. 14th, 1868, *ibid.*, p. 4.

[16] The naval authorities threw the responsibility on the consul, and complained of the frequency with which consuls requisitioned for gunboats "inconsistent with strict international law towards the Chinese."—Adm. Sir H. Keppel to Sir R. Alcock, Feb. 23rd, 1869, *ibid.*, p. 34.

[17] Commander Lord C. Scott to Taiwan Taotai, Aug. 21st, 1868, *ibid.*, p. 5.

[18] "My Lords view with extreme disapproval these pecuniary demands," Admiralty to Foreign Office, Feb. 17th, 1869; Consul J. Gibson to Sir R. Alcock, Taiwan, Dec. 14th, 1868; same to Senior Naval Officer, Dec. 3rd, 1868; Adm. Sir H. Keppel to Admiralty, Jan. 6th, 1869; "equally reprehensible," Foreign Office to Admiralty, Feb. 23rd, 1869; Sir R. Alcock to Lord Stanley, Feb. 5th, 1869; *ibid.*

Catholic mission \$2000.[19] Nevertheless Sir R. Alcock who, in 1848, had as consul boldly "declared war on the Chinese empire,"[20] now, in the more responsible post of envoy, felt it his duty to call on the consul to "state specifically why he considered it necessary to proceed to this act of war." [21]

§ 8. In the same month, April, 1868, a very typical case occurred at Chefoo, a small case involving a great principle. The missionaries generally found it difficult, if not impossible, to obtain houses outside the treaty ports to serve as chapels; and in March an English missionary,

"desiring a chapel in a market town some two miles from Chefoo, instructed his servant to procure a suitable building. Although cautioned by his master to avoid misrepresentation, the agent employed appears to have been guilty of a direct falsehood, as he stated to the owners of the property that he wanted the house for a shop. A house was accordingly leased to him for a year, and 5 dollars were paid on account of rent. On Mr. Laughton's going to fit up the place as a chapel, the owners of the property at once declared, as they would appear to have had certain reason for doing, that the lease was void, and, tendering the return of the 5 dollars, demanded possession of the house. Hoping to overcome their objections, Mr. Laughton declined either to accept the 5 dollars or to give up the house; and they at once, instead of appealing either to their own authorities or to myself [the consul], seized the property, pulled off the roof, and walled up the door."

In the settlement the house was restored to the missionary, "as compensation for the affront"; but he was required "to publicly dismiss his servant," and was warned "in future to acquire any buildings he may need for mission purposes through the consulate." [22]

§ 9. In 1867 the Rev. James Hudson Taylor founded the China Inland Mission for the purpose of forcing the previously unsettled question of the right of residence inland, and of "planting the shining cross on every hill and in every valley of China." In the first year stations were opened at eleven cities in the interior, among them one

[19] Consul Gibson to Sir R. Alcock, Dec. 14th, 1868, *ibid.*, p. 7.

[20] Cf. "Conflict," chap. xiv, § 23.

[21] Sir R. Alcock to consul Swinhoe (Mr. Gibson's successor), Jan. 29th, 1869, in same to Lord Stanley, Feb. 11th, 1869, *Missionary Disturbances at Taiwan*, p. 52.

[22] Consul C. Alabaster to Sir R. Alcock, Chefoo, May 9th, 1868, *Missionary disturbances at Chefoo and Taiwan*, p. 2.

at Yangchow, on the Grand Canal, twelve miles north of Chinkiang. At the beginning of August, 1868, a house was rented openly and in a perfectly regular way; but at once the missionaries were subjected to annoyance. Placards were posted, calling them "brigands of the religion of Jesus," and charging them with "scooping out the eyes of the dying, opening orphanages to eat the children, cutting open pregnant women to make medicine of the embryo infants, etc." The situation seemed so threatening that, on August 14th, Mr. Taylor wrote to the Chihfu of Yangchow, drawing his attention to the placards. On the 15th friendly warnings were received that a riot might be expected. On the 16th new placards were posted about, "more vile and irritating than the previous ones," ending with a summons to a popular rising on the 18th, the day of the prefectural examinations. On that day there was some stone-throwing, and on the 19th the Yangchow Fu was again appealed to for protection. On the 22nd "a rumour was industriously circulated that more foreigners had come and that twenty-four children were missing." This started a great riot, the number of those taking part in it being estimated at not less than ten thousand. The foreigners (four men, five women, four children) barely escaped to a neighbouring house with their lives, but much injured; their belongings were plundered, and the premises were burned. The riot was renewed the next day, when "matters had looked even worse than the night before"; but the destruction was already complete.[23]

§ 10. It was clearly in evidence, (1) that the attack was entirely unprovoked; (2) that it was instigated by the literati and gentry generally; (3) that it was distinctly premeditated; (4) that, though forewarned, the authorities took no pains to prevent or allay the excitement; (5) that an attempt was made afterwards to coerce the missionaries into belittling the affair; (6) that the authorities had not since expressed any disapprobation of the conduct of the ringleaders.[24] The British consul at Shanghai,

[23] Affidavit of Rev. J. H. Taylor and others, corr. resp. Attack on British Protestant Missionaries at Yangchow (China, No. 2, 1869), p. 3. Letter from a Chinese at Yangchow to a Chinese friend at Shanghai, *ibid.*, p. 9.

[24] Consul Medhurst to Sir R. Alcock, Aug. 31st, 1868, *ibid.*, p. 2.

Mr. W. H. Medhurst, went to Chinkiang to investigate the case, whereupon there were riots threatening the Chinese officials there, if they should favour the foreigner. He then went to Yangchow, but failed to obtain redress; and it was thereupon resolved to carry the matter direct to the cognisance of the viceroy at Nanking.[25] At Peking Sir R. Alcock obtained the most satisfactory assurances and promises of redress from Prince Kung and the ministers of the Tsungli Yamen, who, moreover, instructed the viceroy, Tseng Kwo-fan, that he was not to leave Nanking to take up the new post, the viceroyalty of Chihli, to which he was appointed, until he should have settled the Yangchow affair in a satisfactory way.[26] Failing to obtain such a satisfactory settlement, Mr. Medhurst went to Nanking, escorted by four ships of war, and presented his ultimatum in the shape of a polite, but peremptory, note to Tseng Kwo-fan; at the same time he seized, as a material guarantee, a new steamer which had just arrived for the viceroy. "The effect of this seizure was electrical . . . the viceroy pledged himself briefly, but plainly, to accede to all my terms, which he characterised as entirely reasonable;" and this surrender was afterwards confirmed by a "conjoint letter" from Tseng Kwo-fan and his designated successor, Ma Sin-yi.[27] The Yangchow prefect and magistrate were cashiered, the actual value of the property destroyed was paid, and a stone tablet was placed in the mission premises, securing them from molestation; but it was not found possible to bring home to the gentry their complicity in the attack, though the fact was well known.[28]

§ 11. The display of force and steady insistence on the acceptance of the terms of an ultimatum produced their effect at Nanking, as they had at Taiwanfu; but this assumption of authority by subordinate officers of the crown was by no means pleasing to the British government. Before the "Burlingame conversion," Lord Stanley wrote that "missionaries . . . instead of pressing for a recognition of their rights by local authorities, who may be

[25] Sir R. Alcock to Lord Stanley, Oct. 12th, 1868, *ibid.*, p. 31.

[26] Same to same, Oct. 29th, 1868, *ibid.*, p. 43.

[27] Consul Medhurst to Sir R. Alcock, Nov. 13th, 1868, *ibid.*, p. 54.

[28] Same to same, Nov. 20th and 26th, 1868, *ibid.*, pp. 59, 69.

inclined to disregard them, must suspend for a time all controversy, and submit their complaint to H.M. minister at Peking . . . and it will be for H.M. minister to insist with the central government . . . that they shall control the local authorities. . . . If any unprovoked outrage should be committed," the same course was to be followed.[29] After the conversion the dissatisfaction of the government was, naturally, more marked. Lord Clarendon approved of Mr. Medhurst's proceedings at Chinkiang, at Yangchow, and in the earlier stages at Nanking, stating that they were "characterised by prudence and firmness"; but "the subsequent stages through which the affair passed I cannot look upon as equally satisfactory." Mr. Medhurst had, properly, reported his action to Sir R. Alcock; the envoy had protested to the imperial government; the Tsungli Yamen had taken a right view of the affair, had promised redress, and had "proved its willingness and ability to obtain it"; and the British government "would have much preferred that the matter should have been left to the action of the central government . . . than that the aid of H.M. naval forces should have been invoked in order to bring pressure or to inflict punishment on the provincial authorities," without giving the central administration an opportunity to act. In future "the active interference of H.M. naval forces should only be had recourse to in cases of sudden emergency and of immediate danger to lives and property"; but, when once a question had been referred to Peking, it was to be left to the home government to decide if naval force should be brought in to support diplomatic pressure.[30]

§ 12. At Foochow, in January, 1869, the British consul called upon the naval authorities to arrest a Chinese who was instigating the people to resist the construction of a sanitarium for the use of the missionaries at Sharp Peak, an island off the coast; at the same time he stated that "the prefect of Foochow had, by orders of the viceroy, proceeded to Sharp Peak Island, for the purpose of quelling any disturbance that might arise on the part of the villagers." [31] The villagers were overawed by the

[29] Lord Stanley to Sir R. Alcock, Dec. 1st, 1868, *ibid.*, p. 30.

[30] Lord Clarendon to Sir R. Alcock, Jan. 14th, 1869, *ibid.*, p. 63.

[31] Consul C. A. Sinclair to Commander Keppel, Jan. 19th, 1869, Proceedings at Sharp Peak Island, 1869, p. 3.

naval demonstration and submitted. The admiral considered the action unnecessary [32]; and the Admiralty hoped that "the instructions recently sent out will have a satisfactory effect in checking such proceedings." [33] Lord Clarendon instructed Sir R. Alcock "strongly to censure" the consul—"The local authorities, it appears by Consul Sinclair's letter of January 19th, were perfectly ready to obtain redress for the missionary, and it was inexcusable precipitancy on the part of Consul Sinclair not to await the result of the course which, on his representation, they might take." [34]

§ 13. Across the Yangtze from the treaty port of Hankow is the viceregal city of Wuchang, situated with reference to Hankow as Birkenhead is to Liverpool, or Jersey City to New York. In October, 1868, missionaries were stoned in the streets of Wuchang, and threatening placards were posted up. The British consul declared that "this state of things must be stopped"; and, the naval force being then at Nanking in connexion with the Yangchow affair, he requisitioned for a gunboat. [35] He was informed by the naval authorities that no vessel was available [36]; and was further instructed by the envoy that "if the missionaries cannot carry on their labours at Wuchang peaceably, and without an appeal to force for their protection, it seems very doubtful how far H.M. government will hold themselves justified in resorting to measures of a warlike character for their protection away from the ports." [37] This view was "entirely approved" by the British government. [38]

§ 14. About this time there occurred two explosions of popular feeling which had no connexion with the missionary question. Tamsui, in the north of Formosa, had been opened as a treaty port by the treaties of 1858; but the port itself, known to the villagers as Hobé, was a fishing village at the mouth of the river, at which alone was

[32] Adm. Sir H. Keppel to Admiralty, Feb. 23rd, 1869, *ibid.*, p. 1.

[33] Admiralty to Foreign Office, April 21st, 1869, *ibid.*, p. 1.

[34] Lord Clarendon to Sir R. Alcock, April 23rd, 1869, *ibid.*, p. 4.

[35] Consul Caine to Capt. Heneage, Oct. 29th, 1868, *Corr. resp. Missionaries at Hankow, China No. 8 (1869)*, p. 2.

[36] Capt. Heneage to consul Caine, Nov. 8th, 1868, *ibid.*, p. 2.

[37] Sir R. Alcock to consul Caine, Jan. 12th, 1869; same to Adm. Sir H. Keppel, Jan. 13th, 1869; *ibid.*, p. 3.

[38] Lord Clarendon to Sir R. Alcock, March 30th, 1869, *ibid.*, p. 4.

depth of water for vessels, and the market town was Banka, fourteen miles up the river, navigable only for lighters. To this town the merchants naturally desired to extend their operations; and, in 1867, the British firm of Dodd & Co. leased a house there. The people of Banka were unanimous in opposing the intrusion of the foreigner, and prevented the lessee from taking possession of his house. The consul in September, 1868, complained to the Haikwan, who referred the matter to the Ting, the only imperial official in North Formosa, residing at Teckeham, forty miles from Banka, fifty miles from the port of Tamsui; he replied, on September 30th, that "there will now be no impediment in the way of your taking over the said hong at your convenience." On October 2nd two representatives of the firm, going to take possession, were brutally ill-treated by a mob of about 500 Bankaites, who afterwards forcibly held possession of the house. The consul refused to consider a settlement until he should be supported by the presence of gunboats; and then, under their silent pressure, but without the overt exercise of force, he obtained complete satisfaction of his demands. His course was approved by his superiors, Lord Clarendon conditioning his approval on the fact that "he has succeeded in obtaining redress without employing force." [39] It may be noted that Banka persisted in its attitude, and that no foreigners were ever admitted within its borders down to the cession of Formosa to Japan in 1895; a new town, Twatutia, grew a mile further down stream, and in it the Formosa tea was fired and packed by Chinese, and bought for shipment by foreign merchants; and, of the two, the new town was in the end the larger and the more prosperous.

§ 15. The treaties of 1858 opened Chaochowfu, in Kwangtung, as a treaty port, the British and American treaties adding Swatow in parenthesis after Chaochowfu. The latter is twenty miles inland from Swatow, which, being the limit of deep-water navigation, became the treaty port. The people of the district have always had a reputation for piracy and turbulence. On January 20th, 1869, boats from the British gun-boat *Cockchafer*, exercising on the river above Swatow, were stoned from a village

[39] Corr. resp. Outrage at Banca in Formosa, China No. 6 (1869), *passim*.

"notorious for its hostility to foreigners," the American consul having been stoned there a few days before. Some men were landed to demand an explanation, when they were fired on, ten sailors being wounded.[40] The consular authorities were inclined to seize the opportunity to settle the disputed question of trade at Chaochowfu[41]; but better counsels prevailed. At an interview between the admiral and Juilin, the viceroy at Canton, the latter took a very proper view of the matter, promised to co-operate in a joint punitive expedition, and stated that the 4000 Chinese troops then operating in the district would be instructed to turn their attention to the turbulent villagers; the viceroy requested that the admiral, if he went to Chaochowfu, should do so with as small an escort as possible; to which the admiral replied that, if he went at all, he "would only do so on the invitation of the authorities." [42] This entirely satisfactory arrangement was upset by the action of the Hongkong commodore, who, with four ships, proceeded to Swatow and, on January 29th, landed men to attack the offending village, Aotingpow, "which is a considerable town of from 7000 to 10,000 inhabitants rather than a village." There was some resistance on the way, the resisting villages being burned as the force advanced; but "by sunset a great part of the town of Aotingpow was destroyed," [43] with a casualty list to the English of six men slightly wounded. The change from co-operation to isolated action was condemned by Lord Clarendon,[44] who entirely approved the arrangement made with the viceroy,[45] and who further censured the Swatow consul for calling in the naval forces instead of demanding redress from the Chinese authorities.[46] Lord Clarendon's opinion was also that of the Admiralty [47]; but Sir R. Alcock considered that the

[40] Lieut. Kerr to Commodore Jones, Jan. 21st, 1869, corr. resp. Attack on boats of *Cockchafer* near Swatow, China No. 7 (1869), p. 2.

[41] Consul C. Alabaster to Senior Naval Officer, Jan. 22nd, 1869, *ibid.*, p. 3.

[42] Minutes of an Interview at Canton, Jan. 25th, 1869, between the Viceroy Juilin and Vice-Adm. Sir H. Keppel, "*Cockchafer*," p. 5.

[43] Commodore O. J. Jones to Adm. Sir H. Keppel, Swatow, Jan. 30th, 1869, *ibid.*, p. 7.

[44] Foreign Office to Admiralty, March 24th, 1869, *ibid.*, p. 11.

[45] Lord Clarendon to Sir R. Alcock, March 25th, 1869, *ibid.*, p. 12.

[46] Same to consul Alabaster, April 2nd, 1869, *ibid.*, p. 18.

[47] Admiralty to Adm. Sir H. Keppel, March 26th, 1869, *ibid.*, p. 21.

only possible course had been followed: "This district has long been notorious for the clan fights and the piratical habits of the inhabitants, who have commonly shown themselves far beyond the control of the Chinese authorities; no warrant of theirs could be executed." [48]

§ 16. So far the British authorities had followed the policy of isolated acts of coercion on the spot, invariably done on the initiative of the consul, who, as at Taiwanfu and at Swatow, was often a junior temporarily acting in that capacity; they were not always approved by the envoy, and the reluctance of the responsible naval authorities became more marked as act followed act in a vicious circle of irritation and repression. Lord Clarendon's declaration of policy reached Peking at the end of February; and it is noteworthy that, for some years to come, there were almost no acts of violence committed against English mission stations, [49] while those against the Roman Catholic missionaries, under the protection of France, increased in number and in gravity. It is difficult to draw any inference from this. It may be asserted that the protection so promptly given at isolated points had inspired a feeling of fear in the inchoate masses of China, which is not probable; it may, on the other hand, be considered that the change in British policy had thrown on the Chinese authorities the onus of giving protection, and that they realised their responsibility and accepted it.

§ 17. At Yuyangchow in Szechwan there had for years been a state of friction between the Roman Catholic mission and the people, which led to a series of clan fights. In August, 1865, three months after the establishment of

[48] Sir R. Alcock to Lord Clarendon, March 3rd, 1869, *ibid.*, p. 34.

[49] "It was a great relief to H.M. government to receive on March 31st your telegram sent from Kiakhta on the previous day [i.e. Peking about March 18th], announcing that the accounts received by you from all the ports showed that peace and order had been restored . . . and that the relations with China had never been more satisfactory. . . . You have, as the delegate of H.M. government, full power and authority to control the conduct of consular officers; the Board of Admiralty will take care that the policy of H.M. government shall not be thwarted or overborne by excessive zeal on the part of H.M. navy; and if the powers which you possess . . . are insufficient, H.M. government will at any time be ready to consider any representations you may make as to the inadequacy of your powers, with a view of enlarging them to the full extent permitted by law."—Lord Clarendon to Sir R. Alcock, April 19th, 1869, *corr. resp. missionaries at Hankow and state of affairs in China*, China No. 8 (1869), p. 5.

the mission, the Abbé Mabileau had been killed; and, in the years following, in three different inquisitions the Chinese authorities verified the death of 173, some hundreds (700 in one inquest) wounded, and 105 houses burned, through the action of Christian converts.[50] This state of affairs culminated in an attack on the mission on January 2nd, 1869, in which the Abbé Rigaud and thirty-nine converts were killed, all the bodies bearing marks of the sword; the mission buildings were pillaged and burned. The act was declared by the bishop to be "due to the connivance of the mandarins and their entourage." [51] At Tsunyifu, in Kweichow, the mission buildings were plundered on June 14th, 1869, and the Abbé Gilles so severely beaten that he died from the effects on August 13th; there were further acts of violence in the following March; but, on the other hand, Prince Kung complained to the French legation that the bishop had assumed an unwarranted authority in corresponding directly with the Tsungli Yamen.[52] In Anhwei two missions, at the provincial capital, Anking, and at Kienteh, were pillaged on November 3rd, 1869.[53]

§ 18. In June, 1869, the French chargé d'affaires, Comte de Rochechouart, went into Shansi, with the object of studying the missionary question in the interior, of "seeing what degree of credit to give to the complaints of the missionaries, which might be thought exaggerated, if they were not so general," of examining commercial possibilities, of silencing absurd rumours that foreigners were soon to be expelled from China, and of settling some outstanding questions.[54] While at Taiyuenfu, the provincial capital, he narrowly escaped assassination. Stirred by the events occurring in Szechwan and Kweichow, M. de Rochechouart then resolved to visit those provinces in person. Escorted by two ships of war he first visited the viceroy at Nanking, and thence proceeded to Anking, Kiukiang and Hankow, arriving at Hankow in January,

[50] Report of "le maréchal Tsoung" to the Peking government, cited in Cordier, "Relations de la Chine," i, p. 332.

[51] "Missions catholiques," ii, p. 129, cited in Cordier, loc. cit.

[52] Cordier, op. cit., i, p. 335.

[53] Ibid., p. 341.

[54] Cte de Rochechouart to ministre des Aff. Étr., April 16th, 1869, cited in Cordier, op. cit., i, p. 341.

1870. There he met Li Hung-chang, the viceroy at Wuchang, who was statesman enough to know that outrages on foreigners could not be tolerated [55]; and from him he received a despatch providing a satisfactory settlement of those questions. The Anking affair, however, within the jurisdiction of the Nanking viceroy, still hung fire, and was only settled, in March, after the visit of a French ship of war to that city.[56]

§ 19. The attitude of the Chinese people, gentry and populace alike, was characteristically shown by a placard which, about this time, in September 1869, emanated from Hunan, always conservative and anti-foreign, and was promulgated throughout the empire, attracting universal attention.[57] It began by declaring that pernicious doctrines were daily gaining ground, and gave a resumé of the progress of Christianity in China. As to the divine character claimed for it, the placard stated that the Christ was born during the Han dynasty, less than two thousand years ago; and asked if the world before that time was really without a divine ruler. The ignorant masses were deceived and led astray; and, if they were to be saved, this young serpent must be crushed before it attained its full monster growth. Then followed charges, under ten heads, of the most serious character.

(1) The adherents of Christianity do not honour their ancestors nor the spiritual powers; and converts are required, in proof of sincerity, to destroy the sacrificial tablets of their ancestors.

(2) Baptism is essential, and for it an unguent is made from the corpses of priests; this is administered with a stupe-

[55] "I take it for granted that he [Li Hung-chang] will not tolerate any outrage on foreigners within his jurisdiction. He is, I think, fairly impressed with the idea that further troubles with foreigners must be avoided."—Memorandum of interview between consul T. Adkins and Li Hung-chang, Oct. 2nd, 1870, Papers rel. Massacre of Europeans at Tientsin, China No. 1 (1871), p. 159.

[56] Cordier, *op. cit.*, i. p. 344.

[57] A pamphlet of similar import, published during the next year, was thus referred to.—"We have got hold of a book . . . referring to foreigners and Christianity. It is very clever and is a queer mixture of truth and error. . . . It is evidently the work of a well-read man, and I have no doubt but that the literati have it, and many more like it, on their shelves. The opposition to Christianity seems to be mainly owing to stories of what priests do with female converts, etc."—R. Hart to E. B. Drew, Oct. 12th, 1870.

fying drug, to the chanting of a magic charm. The convert is thereby so fortified that, even under persecution, he must cling to his folly.

(3) After this ceremonial the converts are afflicted with madness, so that they take their ancestral tablets and break them into a thousand pieces, destroy all idols, and even raze to the ground every sacred temple they may come across.

(4), (5), and (6): Declared by the translator to be too obscene to be printed.

(7) When an adherent of this religion is on his death-bed, his co-religionists require his relatives to leave the room, while they read prayers for his soul. In reality, however, while the body is still breathing, they take out the eyes and tear out the heart, to be used in making counterfeit money. For, as they allege, the prayers assure his eternal salvation, but the body is then no more than a broken tabernacle.

(8) To make converts, they count much on the power of money. The poor silly fools, to sell their souls for a little money!

(9) The propagandists of this religion employ reciters and physiognomists, both men and women, to entice people by their smooth words. Then they take them off, men and women, and sell them to depraved foreigners; sometimes even their bodies are used as ground-bait for the fisheries of the Southern Seas. [An allusion to the evils of emigration.]

(10) Foreign merchants claim, under the treaties, entire exemption from official control over their trading operations, and the missionaries are the spies of these trading bandits. It is said, too, that the religious bandits have destroyed the temple of Confucius in Shantung; but the people rose, killing some and driving out the rest. Alas! If the doctrines of Jesus drive out the teaching of Confucius, what sort of world will this become? Let each of us draw the sword for vengeance. If any refuse to join in the common cause, they are even as these outrageous creatures.[58]

§ 20. Such utterances may be characterised as the silly outpourings of credulous folly; but the charges brought against the early Christians by the polished Greeks and

[58] North-China Herald, Sept. 29th, Oct. 6th, 1869.

Romans, the attribution of the vices of the Anabaptists to all Protestant creeds, and the belief of orthodox Russia in the reality of Jewish ritual murders, demonstrate that this credulous folly is not confined to one country or to one age. Folly though it was, it was serious. In the mass of the hundreds of millions of the people of China, lettered and unlettered alike, it is doubtful if, outside the scanty ranks of the converts, there were a score of persons [59] who doubted in the slightest degree the absolute truth of the foul charges brought against the Christian propaganda. The inherent purity of Christianity, the one faith among the many competing creeds which makes personal and individual virtue an essential, was as nothing in the balance, when weighed against the flying scandal with its tale of corrupted souls, bought conversion, immoral priests and sisters, and murdered orphans, whose eyes and hearts were used for compounding the Western drugs of such marvellous efficacy. These things were universally believed, and the feelings of the Chinese were compounded of both fear and rage, the one intensifying the other. The officials shared these feelings; cultured as they were, their fears were less acute and their rage more restrained; but their

[59] "The Tientsin people believe in kidnapping, although demonstrated not to exist; and they are one and all of opinion that their doings on June 21st, notwithstanding the extreme barbarity that characterised them, were wholly just and were pleasing in the sight of Heaven! One can scarcely say that there is an anti-foreign party in China, for the fact is that so many—officials and private persons—are anti-foreign, that, where the whole is so leavened, one cannot speak properly of a party. The individuals who are euphemistically spoken of as pro-foreign, are Prince Kung, and a dozen mandarins: half of these have such a vivid recollection of former whippings that they wish to keep the peace because afraid of being whipped again; and the other half recognise superiority in certain foreign appliances—rifles, shells, steam—and they desire to learn to use them in order to be able to turn them against the foreigner. Now, looked at from the point of view suggestive of brotherly love, mutual good offices, common interests, and international duties, there is not one of these so-called pro-foreign worthies who desires a continuance of the intercourse with the foreigner; on the contrary, they one and all think that China would be far better without us, and they, one and all, every mother's son of them, sympathise with the anti-foreign backbone of the country in its aims and aspirations, which are simply to expel the foreigner sooner or later, by hook or by crook. Thus they make no concessions, hoping thereby, if nothing more can be done, to, at all events, keep us *in statu quo*, and prevent us from pushing further into the country, and the spirit of all their policy is to hedge—to say 'no' to the foreigner in such a way as not to provoke him, and to say 'yes' in such a way as to advance the aims of anti-foreign China."—R. Hart to E. B. Drew, Sept. 28th, 1870.

own credulity and their entire sympathy with the populace made them untrustworthy as guardians of the peace. The whole empire was wrought up, the situation was full of danger, and a terrible explosion seemed imminent, fitting climax to the series of attacks on foreign missions.[60]

[60] "Most of these massacres have conformed to the original type [that of the Tientsin massacre] in every particular—beginning with tracts and placards as their exciting cause, followed by studied negligence on the part of mandarins (who always contrived to come too late when their aid was invoked), and finishing with an inquiry how many heads and how much money would satisfy the resulting claims."—W. A. P. Martin, "A Cycle of Cathay," p. 445. (Preface, dated 1896.)

CHAPTER XII

THE TIENTSIN MASSACRE

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§ 1. ON June 21st, 1870, an assistant in the British consulate at Tientsin sent an urgent message which read as follows.—“The French consulate, the [orphanage of the] Sisters of Mercy, the French cathedral are all burning. The French consul and all the sisters, as well as several other Frenchmen, are all killed. I despatch this in haste by a special courier. Lay [the consul] is engaged in collecting the foreigners together.”[1] This message (a

[1] Mr. H. B. Bristow to Commander May at Hongkong, Tientsin, June 21st, 1870, Papers rel. Massacre of Europeans at Tientsin on June 21st, 1870, China No. 1 (1871), p. 6.;

counterpart of which reached Shanghai on June 27th,[2] reached Hongkong on July 4th,[3] and was at once sent on to Point de Galle,[4] which was then the end of the cable to the Far East; from Point de Galle it was telegraphed on July 23rd and received in London on the 25th.[5] The first report from the British legation, sent from Peking July 6th, was telegraphed from the land-line end at Kiakhtha and received in London also on the 25th.[6] This, a week after the outbreak of war between France and the North-German Confederation, is declared to have been the first intimation received, in any of the Chancellories of Europe, of the Tientsin massacre.[7]

§ 2. At the junction of the Yüho (Grand Canal) from the south, the Peiho (North River) from Peking in the north, and the Haiho (Sea River) running east to the sea, formerly stood a range of buildings, part temple and part imperial palace, fronting the city of Tientsin and occupying the present site of the thrice-built and twice-destroyed Catholic cathedral. Here, in 1858, the English and French ambassadors established their headquarters in negotiating their treaties of that year, the English to the west, in the temple, the French to the east, in "a number of detached summer-houses dotted about a garden," [8] forming the imperial palace of Hwanghailow. When peace was finally restored, in 1860, Tientsin was occupied by the allies until 1863; and for some years afterwards it was notorious [9]

[2] Consul Medhurst to Lord Clarendon, Shanghai, June 30th, 1870, *ibid.*, p. 3.

[3] Commodore Price to Consul Robertson at Canton, Hongkong, July 5th, 1870, *ibid.*, p. 6.

[4] Governor Whitfield to Lord Granville, Hongkong, July 6th, 1870, *ibid.*, p. 1. Point de Galle, at the southern end of Ceylon, was then the port of call for shipping to the Far East.

[5] Colonial Office to Foreign Office, July 25th, 1870, *ibid.*, p. 1.

[6] Mr. Wade to Lord Clarendon, July 6th, 1870, *ibid.*, p. 1.

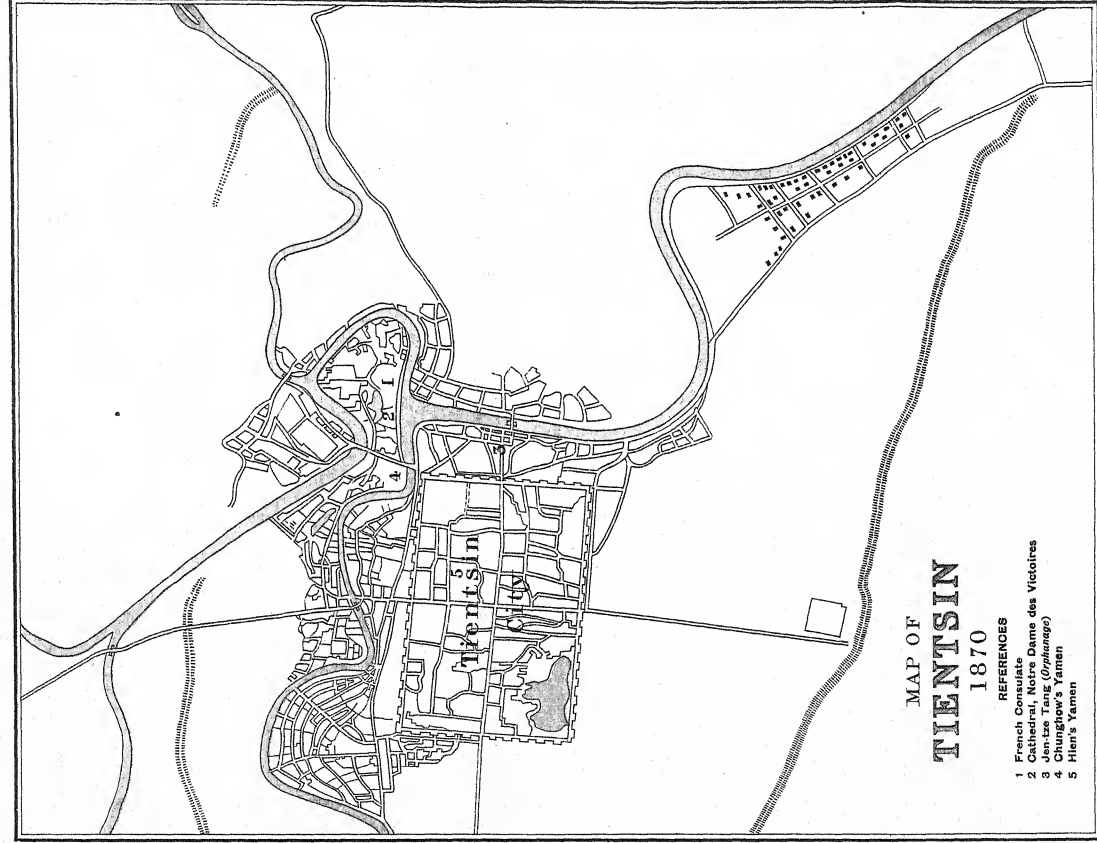
[7] Cordier, "Relations de la Chine," i, p. 374. "Qui sait ce qui serait advenu de la politique de l'empereur Napoléon III si, alors comme aujourd'hui, le télégraphe avait fonctionné du Nord de la Chine avec l'Europe!"

But "la nouvelle n'est arrivée à Paris, a-t-on dit, que le 20 Juillet."—Favier, "Peking," p. 243.

[8] Oliphant, "Lord Elgin's Mission," i, p. 329; Moges, "Embassy of Baron Gros," p. 219; cf. "Conflict," chap. xxii, § 6.

[9] The author was in Tientsin during the years 1877 and 1878, and the fact was then brought to his notice.

"The causes which led to this outbreak appear to have been almost wholly local, taking their rise in the year 1861, when the French occupied as their consulate a temple in Tientsin, where in former times the citizens



MAP OF
TIENTSIN
1870

REFERENCES

- 1 French Consulate
- 2 Cathedral
- 3 Notre Dame des Victoires
- 4 Chungchow's Yamen
- 5 Hien's Yamen

that, while the British troops established a good record, the French left behind them a legacy of bitter feelings. Worse than the behaviour of the troops, however, was the action of the French authorities. In 1860 the imperial palace of Hwanghailow was taken by the French and continued to be used as the consulate from that time until after 1870 ; while on the site of the temple, doubly holy in Chinese eyes as imperial and as temple, was erected the French and Roman Catholic cathedral, the church of Notre Dame des Victoires, completed in June, 1869, and solemnly consecrated in the presence of the French consul and the principal Chinese authorities,[10] unwilling witnesses of an act which they must have deeply resented. It is not too much to say that, at Tientsin, the French nation and French (Roman Catholic) missionaries were detested.

§ 3. In this hotbed of anti-French prejudice at Tientsin, the anti-Christian hostility, so pronounced through all China, was forced into special vitality ; and this hostility was intensified by the kindly and well-meant efforts of the Sisterhood of Mercy to save the deserted or orphaned children of the poor from the fate which is otherwise inevitable in a country where the state neglects its duty. In all the treaty ports, and in many other cities, these societies of devoted sisters of the poor have established institutions, " each of which appears to combine in itself a foundling hospital and orphan asylum." [11] Finding at Tientsin that few children were entrusted to their care, the sisters offered a premium for each child brought in ; and it was generally credited that this premium acted as an incentive to Chinese to kidnap children, whom they then took to the orphanage. " It is also asserted, and I believe it to be true, that the priests or sisters, or both, have been in the habit of holding out inducements to have children brought to them in the last stages of illness, for the purpose of being baptised *in articulo mortis*." [12] From this practice it became commonly credited as a known fact that children were taken to the orphanage in a dying state, were

used to promenade ; this and other unpopular acts kept the natives at enmity with them."—S. Wells Williams, " The Middle Kingdom," ii, p. 700.

[10] Favier, " Peking," p. 235.

[11] Mr. F. F. Low to Mr. Hamilton Fish, June 27th, 1870, U.S. For. Rel., 1870, p. 355.

[12] Ibid.

then baptised, and, dying soon after, were buried in the private cemetery—consecrated ground—of the orphanage. These were the verifiable facts; and on this substructure of fact, the credulous Chinese built a superstructure of their own fancy—incitement to kidnapping, mystic rites of baptism, extraction of eyes and hearts, and other horrors, all working them into a frenzy of fear and hatred.[13]

§ 4. As at Yangchow the final incitement to riot had been the rumour that “twenty-four children were missing,”[14] and therefore presumably kidnapped; so at Tientsin the first sign of trouble was manifest in rumours current towards the middle of May, that “certain children had disappeared, kidnapped by persons in the pay of the missionaries; the sisters had killed them, had torn out their eyes and their hearts to serve for charms and magical remedies.”[15] The practice of kidnapping children and selling them for immoral purposes was known to be common throughout China [16]; and this practice was popularly associated with the horrible mystery hanging over the fate of the children who disappeared into the orphanage, the belief spreading for many miles around Tientsin, even as far as Peking.[17] Matters were made worse by an

[13] Cf. chap. xi, § 19.

[14] *Ibid.*, § 9.

[15] Hübner, “A Ramble round the World,” p. 537; also Mr. Low to Mr. Fish, June 27th, 1870, *ubi sup.*

“One of the most carefully prepared and interesting accounts of the massacre is contained in Baron Hübner’s ‘Ramble round the World.’”—S. Wells Williams, “Middle Kingdom,” ii, p. 706.

Baron von Hübner was in Tientsin in November, 1871, and was personally conducted over the scenes of the massacre by M. Dillon, the French consul.—“Ramble,” p. 531.

“I have written the account of these Tientsin massacres after verbal communications with the ministers accredited to the Peking court; with the foreign ministers [consuls] residing here and at Shanghai; with Père Favier, sent by his superiors to Tientsin directly after the catastrophe; with Dr. Frazer, the English physician; with M. Startsoff, the Russian merchant; and lastly with three Chinese . . . all three witnesses of the massacre. I did not see M. Coutris, the only French survivor, but I read his relation of the facts.”—Hübner, “Ramble,” p. 533.

The present author has also talked with M. Startsoff and others who passed through the scenes of the massacre. He has also had before him a very temperate report on the massacre written by Mr. C. Hannen (then commissioner of customs at Tientsin) to Mr. Hart on July 16th, 1870. This report confirms in detail the narrative in the text.

[16] Mr. Low to Mr. Fish, July 27th, 1870, U.S. For. Rel., 1870, p. 363; C. Hannen to R. Hart, July 16th, 1870.

[17] “I heard of the excitement as early as June 5th.”—Mr. Low to Mr. Fish, June 27th, 1870, *ubi sup.*

epidemic, which visited the orphanage early in June, and caused the death of between thirty and forty children whose bodies were disinterred by crowds of hundreds of Chinese who raided the cemetery daily.[18] This stirred the people to a fiercer rage, and the search for kidnappers became active. On June 6th and later dates, four men were arrested, tried and executed without much formality; and on the 18th another, being arrested and sent to trial, confessed, under torture of course, that he had relations with the cathedral verger (Chinese), to whom he sold his stolen children.[19]

§ 5. Belief in the guilty practices of priests and sisters spread to all classes of society—"To-day [June 16th], Corpus Christi, there were hardly any women at mass. The pagans, who formerly were such great friends with the Christians, draw back now, and consider us bad people. . . . Sister Mary said to me to-day that when she goes into a village where formerly she was received with open arms, now every one runs away and hides himself." [20] The gentry were manifestly filled with the belief.[21] The Hien was the imperial official directly charged with the administration of justice, and, if he had faith in his own office, must have credited the testimony of the culprits, who all implicated the missionaries and the sisters. The Fu, superior officer of the Hien, issued a proclamation to show that the crimes of the kidnappers were properly visited with punishment; the sisters were not mentioned, but this very silence was an acceptance of the testimony of the convicted men. In recognition of this attitude, he promptly received from a grateful people an honorific umbrella inscribed with the names of the donors.[22] These two officials, supported by a military officer of an evil reputation, a general Chen Kwo-jui, represented the guilt of the sisters to Chunghow, the imperial commis-

[18] Hübner, "Ramble," p. 538; Cordier, "Relations," i, p. 348; C. Hannen, *ubi sup.*

[19] *Ibid.*, *ibid.*, *ibid.*

[20] Letter of Père Chévrier, June 16th, cited in Hübner, "Ramble," p. 538.

[21] Shown by their connexion with the fire companies and volunteers, both active in the riot.—Hübner, p. 537; Cordier, p. 349; C. Hannen, *ubi sup.*

[22] Hübner, p. 540; Cordier, *loc. cit.*; Text of proclamation in U.S. For. Rel., 1870, p. 382.

sioner for the north.[23] Chunghow's position was one of some difficulty. He was imperial commissioner charged with the supervision of international questions, and had behind him, in case of need, the full power of the imperial government; but he had no place in the provincial administration. The viceroy of Chihli in the viceregal capital, Paotingfu, and, at Tientsin, the graded hierarchy of Taotai, Chih-fu, Chih-hien and Tipao, were the officials charged with the execution of the law, the maintenance of order, and the protection of the people. The responsible executive officers at Tientsin solemnly affirmed the guilt of the sisters, and demanded an inquest; the imperial commissioner asserted their innocence, but finally "he did like Pontius Pilate and washed his hands; the inquiry took place." [24] At this inquest the mob took charge, rumour took the place of evidence, and the facts were declared to be proved.

§ 6. On June 19th the Taotai laid the case before the consul, who quietly demonstrated that it was based on false testimony [25]; the Taotai, however, reported that the consul agreed to take all proper and necessary steps.[26] The Hien then called and insisted on the truth of the charges. An angry discussion followed. The Hien finally demanded an immediate official investigation into the conditions prevailing at the mission and at the orphanage; "but as he showed anger, and even threatened me [the consul] with the resentment of the populace, I seized the pretext [*j'en profitai*] to break off the discussion, declaring to the Hien that I intended to continue this affair only with the imperial commissioner, but that I would hold him none the less responsible for the consequences of the troubles with which he seemed to threaten me, since I was persuaded that he alone was their instigator." [27] Chung-how himself called on the consul on June 20th, and discussed the situation fully and fairly with him and with

[23] Hübner, p. 541.

[24] Ibid.

[25] M. Fontanier to Cte de Rochechouart, 10 a.m., June 21st, 1870: Cordier, "Relations," i, p. 351; British blue-book, "Tientsin Massacre," p. 20; U.S. For. Rel., 1870, p. 365.

[26] Chunghow to Tsungli Yamen, June 19th, 1870, "Tientsin Massacre," p. 17.

[27] M. Fontanier to Cte de Rochechouart, ubi sup.

Père Chévrier ; and it was agreed that an inspection of the mission premises and orphanage should be made.[28] The consul further reported that Chunghow complained of the difficulty he experienced in controlling the territorial officials ; and added—" This trifling incident, which might have taken a bad turn without the intervention of Chunghow, appears to-day [21st] nearly settled." [29] At 10 a.m. on June 21st the Taotai, Fu and Hien went in official state to the cathedral, taking with them the man whose evidence had implicated the verger ; there, on the spot, the details of his testimony were disproved one after the other.[30] After this an arrangement was agreed to, by which the mission orphanage and schools should be permanently subjected to supervision by a committee.[31]

§ 7. It now seemed possible that the troubles would subside, and the imperial commissioner was, at 2 p.m., engaged in drafting a proclamation, when, as he reports,

" I suddenly heard that a disturbance had arisen between some people belonging to the cathedral and a crowd of idlers. I sent a military officer to suppress the trouble, when I heard that M. Fontanier had come to the yamen. On going out to receive him, I saw that the consul, whose demeanour was furious, had two pistols in his belt, and that a foreigner [M. Simon, chancellor of the consulate] who accompanied him, was armed with a sword. They rushed towards me, and as soon as M. Fontanier came up to me he began talking in an indecorous manner, drew a pistol from his belt, and fired it in my presence ; the shot fortunately did not take effect, and he was seized. To avoid a personal collision, I withdrew. On entering the room he began to break the cups and other articles on the table, keeping up at the same time an incessant torrent of abuse. I went out again to see him, and told him that the crowd outside had a very threatening aspect ; that, as the entire fire brigade [32] was with them, evidently intending to assist, I was afraid of a disturbance and advised him not to go outside. But, reckless of his life, he rushed out of the yamen. I sent some men after him to escort him on his way. M. Fontanier on his way back met the Hien, who was endeavouring to control the mob, and who tried to keep him from proceeding ; but he fired at the Hien, hitting

[28] Chunghow to Tsungli Yamen, June 21st, 1870, " Tientsin Massacre," p. 21.

[29] M. Fontanier to Cte de Rochechouart, ubi sup.

[30] Chunghow to Tsungli Yamen, June 21st, 1870, ubi sup.

[31] Ibid.

[32] Householders and persons of respectable standing.

one of his servants. The mob, enraged at this outrageous conduct on the part of the consul, at once pursued, surrounded and killed him. They then set fire to the cathedral. They also destroyed the establishment of the sisters of charity and the Protestant chapels inside the city." [33]

§ 8. A massacre may, or may not, have been premeditated and impending, but it was now inevitable. A half-century of racial antipathy; a decade of national hatred; the gathering growth of anti-Christian feeling, based partly on religious bigotry, partly on superstition, partly on credulity; all these were brought to a common focus, and the growing disorder culminated in three hours of murder, arson and plunder. The orphanage of the Sisters of Saint Vincent de Paul was plundered and utterly destroyed; the mission premises and cathedral were plundered and set on fire; the French consulate was plundered and burned; and every French man and woman who could be laid hands on was killed, with every accompaniment of outrage and mutilation that the fiendish malevolence of the mob could devise. The attack was directed solely against the French. The victims included ten sisters, two priests, M. Fontanier, M. Simon, and four other French men and women, two Russian men and the wife of one of them, and between thirty and forty Chinese employed in the mission or orphanage. The sisters were stripped naked before being killed, and of their bodies only charred remains were found. The bodies of the others were, most of them, found floating down the river, most horribly mutilated, only one being free from mutilation. The three Russians were killed amid cries of "Kill the French first, then the other foreigners"; but three other Russians, surrounded by the mob, were allowed to escape on their pleading that they were "not French but Russian." The persons of other foreigners were not endangered, but four English and American chapels were plundered and damaged.

§ 9. The residents in the foreign concession were in much apprehension, but were not in any immediate danger; they considered, however, that it was only a heavy thunderstorm coming on that evening that saved

[33] Chunghow to Tsungli Yamen, June 21st, 1870, *ubi sup.* Mr. Hannen's report fully supports Chunghow's statement.

them from attack. They were called together by the British consul and formed a volunteer guard, ready to protect themselves.[34] The missionaries went on board a merchant steamer in port [35]; but the others showed a resolute front to the threatening danger.[36] Chunghow gave assurances that the settlement was safe; but his offer to send Chinese troops to protect it was declined with thanks.[37] The first foreign gunboat to arrive came on June 29th, followed by others; but to the French envoy it was suggested that no French vessel should be sent until arrangements were made for a large force to come [38]; and the imperial commissioner was asked to assure his people that the summoning of force was designed, not for retribution or for vengeance, but to ensure a full investigation and punishment of the guilty.[39]

§ 10. Either as a result of the outbreak in Tientsin, or, as was generally maintained by the foreign residents in China, as part of a universal and premeditated anti-foreign agitation, there was during the months following the massacre, much unrest throughout the empire. This was manifested by "fears that some attempt was about to be made," or by destruction of mission chapels, at Chefoo,[40] at Nanking,[41] at Tengchow in Shantung,[42] at Chinkiang,[43] at Wucheng and at Fuchow in

[34] Consul W. H. Lay to Mr. Wade, June 21st, 1870, "Tientsin Massacre," p. 23.

[35] "Although this is against my wish, as an appearance of danger [fear], yet I have no power to stay them."—Mr. Lay to Mr. Wade, June 22nd, 1870, *ibid.*

[36] "Mr. Lay was fully alive to the dangers surrounding him, but he opposed every proposition made him to quit his post, and it is in chief part to his firmness that I attribute the security of the foreign residents during a period in which any movement indicative of fear would undoubtedly have compromised their safety."—Mr. Wade to Lord Clarendon, July 3rd, 1870, *ibid.*, p. 45.

[37] Mr. Lay to Mr. Wade, June 22nd, 1870, *ubi sup.*

[38] "I am quite certain that the arrival of a French gunboat with a few men on board would be the signal for the rising of the whole of the troops in the city. Their animosity to Frenchmen is great, and they will fight now to the last."—Mr. Lay to Mr. Wade, June 25th, 1870, *ibid.*, p. 29.

[39] Message of Cte de Rochechouart in Mr. Wade to Mr. Lay, June 28th, 1870, *ibid.*, p. 31.

[40] Mr. Wade to Lord Clarendon, July 16th, 1870, *ibid.*, p. 65.

[41] Consul Medhurst to same, Aug. 25th, 1870, *ibid.*, p. 120.

[42] Mr. Low to Mr. Fish, Sept. 17th, 1870, U.S. For. Rel., 1870, p. 383.

[43] North-China Herald, Sept. 15th, 1870.

Kiangsi,[44] at Canton,[45] and at Shanghai.[46] None of these call for special comment, except that it was pointed out that, in addition to the human lives endangered, "the value of the British-owned property at stake [at Shanghai] amounts to at least £15,000,000 sterling." [47]

§ 11. At Nanking the troubles began about the same time as at Tientsin. "About the end of May and the first part of June cases were constantly reported of children being missing;" and, as at Tientsin, evidence was given implicating the Roman Catholic mission in their kidnapping. The viceroy took prompt action and decapitated those convicted of kidnapping; but the agitation increased, and, "just after the dragon boat festival on June 3rd," it became obvious that an attack on the mission was imminent. The viceroy then directed the Fu and Hien, "attended by a number of the gentry and literati," to visit the mission premises; and they reported that there was no foundation for the charges brought against the priests and sisters. The agitation then subsided.[48] The viceroy enjoined on the missionaries, both French and English, "to move out of the way while the provincial examinations were going on" [49]; but in August, during the examinations, stirred by the scholarly hatred of Christianity and by the news of the Tientsin outbreak, the populace again became agitated and assumed a threatening attitude. This was vigorously suppressed; but, on August 24th, the viceroy was assassinated in his own yamen.[50] The assassination, so unusual in Chinese politics, was attributed to his action in redressing the outrages at Anking during the preceding winter, and in suppressing the attempted outbreak at Nanking [51]; but it must be observed that the Hunan troops at Nanking

[44] Consul P. J. Hughes to Mr. Wade, Sept. 14th and Oct. 7th, 1870, "Tientsin Massacre," pp. 145, 160; Mr. Wade to Lord Granville, Oct. 10th, 1870, *ibid.*, p. 197.

[45] Consul D. B. Robertson to Govt. of Hongkong, Oct. 6th, 1870, *ibid.*, p. 216.

[46] Consul Medhurst to Mr. Wade, July 26th, 1870, *ibid.*, p. 53.

[47] Municipal council to consul Medhurst, *encl.* in above.

[48] Viceroy Ma Sin-yi to Tsungli Yamen, *encl.* in Mr. Low to Mr. Fish, July 27th, 1870, U.S. For. Rel., 1870, p. 366.

[49] *Ibid.*

[50] Consul Medhurst to Mr. Wade, Aug. 25th, 1870, "Tientsin Massacre," p. 120.

[51] Mr. Wade to Lord Granville, Sept. 10th, 1870, *ibid.*, p. 156,

deeply resented the removal from the viceroyalty of their co-provincial, Tseng Kwo-fan, and his supersession by the Mohammedan, Ma Sin-yi. To fill the vacancy thus created, Tseng Kwo-fan was for the third time appointed to Nanking.

§ 12. Universal alarm was felt in foreign circles in China. The mercantile communities armed themselves and patrolled the settlements to show that they were prepared to protect themselves [52]; and the feeling was general that foreign lives were not safe, and that the foreign envoys should withdraw from Peking before the advent of winter should make it impossible to bring troops to their rescue.[53]. The cry for vengeance was as universal.[54] It was not confined to the merchants, but extended as well to the missionaries, ministers of the Prince of Peace. When Chunghow expressed a desire to make what reparation he could before he should be displaced, the English and American missionaries at Tientsin were asked to present their claim for damage done. In their reply the English missionaries expressed their "surprise that, prior to the settlement of the more important questions which are still pending, the subject of monetary compensation should be entertained at all. Apart altogether from the fact that we are yet uncertain as to the

[52] "The night however passed off quietly; and the display of force had a good effect on the Chinese, whom it showed that we were thoroughly prepared to meet any attack."—North-China Herald, July 28th, 1870.

"I think it useful to the cause of peace that the men-of-war's crews should be occasionally paraded and exercised in the foreign settlements."—Mr. Wade to Lord Granville, Oct. 13th, 1870, "Tientsin Massacre," p. 206.

[53] Tientsin municipal council to Mr. Wade, Oct. 8th, 1870, "Tientsin Massacre," p. 204.

"The question has come upon us—ought the foreign legations to be withdrawn, or not, before the winter? And it may save your Lordship an examination of the arguments for and against withdrawal if I state at once that I am entirely opposed to it."—Mr. Wade to Lord Granville, Sept. 11th, 1870, *ibid.*, p. 158. "If March finds the foreigners in Peking alive and well, all that can be said is that the luck of the storm passing over enabled the umbrellaless man to get in with a dry skin."—North-China Herald, Feb. 22nd, 1871.

[54] "This sad and execrable massacre of Tientsin is one that concerns all nations having relation with China; and, unless a severe reparation be exacted, everyone will rue the apathy that would permit such atrocities to go unpunished. No money indemnity can satisfy the demand for justice. The lives of all the authorities concerned ought to be forfeited. In particular, Chunghow should suffer death. . . . If he is allowed to escape, disaster may be expected for every European in this country."—North-China Herald, Aug. 11th, 1870.

action which will be taken at the present crisis . . . action which [it] might be as useless as it would be impolitic for us to forestall by consenting to any unsatisfactory condonation of the crimes which have been committed. . . ." The writers continued by a reference to the complete disorganisation of their work, and expressed a desire "not to be separated from our suffering French brethren in any settlement of these unhappy troubles." They stated that "the excuses which unhappily served them [the mandarins] so well in regard to the outrages at Formosa, Yangchow and elsewhere, fail them now"; and they made the necessary and proper disclaimer that "We are not crying for war and vengeance, but we do claim justice; and we hold most firmly to the belief that the path of safety and of honour, no less for individuals than for our government, is to stand by our fellow sufferers in the hour of trial." [55] The same sentiments were expressed by the American missionaries [56]; and all the writers forthwith sent copies of the correspondence to the Shanghai newspapers. [57] The comment of the American envoy on these communications may fitly close the matter.

"Both the American and English missionaries appear to be impressed with the belief that they are somehow specially charged with diplomatic functions by their governments, in addition to their self-imposed task of taking care of the spiritual welfare of the Chinese; and, according to their diplomatic judgment, a war between France and China must first take place before it is proper to adjust any claims for property destroyed in the late riot at Tientsin." [58]

§ 13. The alarm felt by merchant and missionary was reasonable, but, none the less, it was unreasoning; it took no account of the actual responsibility, or of the power in any one man's hand to forestall the outbreak; and it may be fitly characterised as a demand that some one's head had to come off. On the indiscretion of M. Fontanier's provocative bearing all were agreed; and this was not due in

[55] Rev. Jonathan Lees (London Missionary Society) and Rev. Wm. N. Hall (Methodist Mission Society) to consul W. H. Lay, July 21st, 1870, "Tientsin Massacre," p. 116.

[56] Rev. C. A. Stanley (American Board C.F. Missions) to Mr. F. F. Low, July 9th, 1870, U.S. For. Rel., 1870, p. 372.

[57] North-China Herald, July 29th, 1870; Shanghai Courier, July 22nd, 1870.

[58] Mr. Low to Mr. Fish, Aug. 18th, 1870, U.S. For. Rel., 1870, p. 371.

any way to the natural impulse to attribute such an outbreak to the action of its victim, who could no longer defend himself. "M. Fontanier, though of a quick and choleric temperament . . . his character had been rather soured; friends began to keep aloof. . . . Of a violent temperament, overexcited by the presence of a danger which he had neither foreseen nor tried to avert." [59] This serves to express the general view of his character. The foreign judgment of the responsibility of the Chinese officials was severe. "Little consideration was made for the enormous difficulties of their position . . . the fair-minded observer can find small excuse for the harsh criticism, not to add abuse, which was hurled at everything said or done by Prince Kung and his colleagues in their peril and perplexity." [60] But the principal assault was made against the officials at Tientsin. The viceroy, Tseng Kwo-fan, was at Paotingfu; and, though the mere word of a viceroy had great weight, he escaped the animadversions of the critics. The leading official at Tientsin was Chunghow, imperial commissioner for international trade [and affairs] in the northern provinces. He was a Manchu of high rank, who had officiated in troubled times as acting viceroy of Chihli, and was much esteemed. [61] On M. Fontanier he produced a good effect; and as the massacre was about to begin, he wrote that "this little incident, which might have taken a bad turn but for the intervention of Chunghow, appears to-day to be almost at an end." [62] In the same letter he noted that Chunghow's attitude was such that his own people styled him the "foreigners' tool" (*bras droit des européens*); and he stated that Chunghow complained to him of the "little consideration given to his observations by the local authorities"; and in fact Chunghow's position was one of influence

[59] Hübner, "Ramble," pp. 534, 564.

[60] S. Wells Williams, "Middle Kingdom," ii, p. 705.

[61] "Admiral Keppel says of him that he was the most finished Chinese gentleman he had ever met, with the exception of the Viceroy of Canton."—Michie, "The Englishman in China," ii, p. 239.

"Foreigners spoke warmly of his [Chunghow's] benevolence, his pleasing manners, and his perfect courtesy; the agents of the foreign powers, whose business it was to treat with him, had the very highest opinion of this functionary."—Hübner, "Ramble," p. 535.

[62] M. Fontanier to Cte de Rochechouart, 10 a.m., June 21st, 1870, Cordier, "Relations," i, p. 351; "Tientsin Massacre," p. 20; U.S. For. Rel., 1870, p. 365.

and prestige, and not of power; he could bring in the imperial authority, but could not move a policeman. This power was vested in the Hien, and in a secondary degree in his superior, the Fu. They it was who could have controlled the mob, had they realised the necessity. They were charged with being direct inciters of the riot.[63] To make this charge is to show ignorance of the conditions of administration in China. The one aim of the Chinese magistrate is to collect the taxes without riot; to gain this end, he shrinks from vigorous action and avoids everything savouring of coercion of the people committed to his care; but this same reasoning would make him the last to incite to the riot, which it is his aim to avoid. Weakness they showed, beyond question; and from an occidental point of view their conduct, tragic in its results, was farcical as administration. There was therefore a universal demand for their punishment, and in this demand Chung-how was included as the principal culprit.[64]

§ 14. The foreign envoys at Peking realised that this outbreak, though directed against the French, was not solely the affair of France, and that the interests of all foreign nations and the lives of all foreigners were at stake. At once upon the receipt of authentic news they addressed a collective note to the Tsungli Yamen, declaring that it was "with the deepest grief and indignation" that they had "received the news of the atrocious crime just committed at Tientsin," and asserting that these "events prove that foreigners are not everywhere sufficiently protected by the local authorities in China"; and the government was advised that "it is indispensable that the whole world, in receiving intelligence of the crime, should at the same time be informed that justice is done, and that it should be reassured as to the fate of the citizens confided to the protection of China." [65]

§ 15. The imperial government was well advised and the next day, June 25th, a decree was issued ordering the

[63] Cf. ante, § 6.

[64] Ibid., n. 54.

[65] The foreign representatives to Prince Kung and ministers, June 24th, 1870; Cordier, "Relations," i, p. 362; "Tientsin Massacre," p. 24; U.S. For. Rel., 1870, p. 359. This was signed by the representatives of the North-German Confederation (dean), U.S. of America, Belgium, Spain, France, Russia and Great Britain.

viceroy to Tientsin to investigate and to punish the guilty. Chunghow, it declared, "is charged with the control of commercial affairs and is not responsible for the preservation of order"; but the faults of Taotai, Fu, and Hien were admitted—"their delinquencies admit of no palliation." [66] On the 28th a further decree was issued as follows—"We command Chunghow, a vice-president of the ministry of War and high commissioner for the three [northern] ports to proceed to France as our envoy." [67] To Chunghow some time remained, however, for putting his house in order, as Tseng Kwo-fan did not arrive in Tientsin from Paoingfu until July 8th, eighteen days after the massacre and thirteen days after he received his orders; and after his arrival showed no great degree of expedition. On July 23rd an imperial decree gave the results of the investigation from a joint memorial by Tseng Kwo-fan and Chunghow, in which the orphanage was completely exonerated from all the charges of kidnapping and abstraction of eyes and hearts, while the people were declared to have been misled by the hostile placards posted up in other parts of the empire. [68] The investigation seemed at a standstill; and, on August 1st, the minister Mao Chang-si was ordered from Peking to Tientsin with extraordinary powers to assist the viceroy. [69] On August 7th an imperial decree ordered the provincial judge to put the cashiered Tientsin Fu, Chang Kwang-tsao, and the cashiered Tientsin Hien, Lin Chieh, to their trial at Tientsin, the scene of their delinquency. [70]

§ 16. The French chargé d'affaires arrived at Tientsin on July 19th, and was joined there on the 23rd by the French admiral. [71] A month later, on August 22nd, there were at Tientsin five French, one American and three British ships of war; and at Chefoo, the nearest deep-water

[66] Imperial decree, June 25th, 1870; Cordier, p. 364; "Tientsin Massacre," p. 28; U.S. For. Rel., p. 360. Cordier dates the decree June 28th.

[67] Cordier, p. 365; "Tientsin Massacre," p. 38; U.S. For. Rel., p. 368.

[68] Imperial decree, Cordier, p. 370; U.S. For. Rel., 1870, p. 360; "Tientsin Massacre," p. 97.

[69] Mr. Wade to Lord Clarendon, Aug. 2nd, 1870, "Tientsin Massacre," p. 114.

[70] Same to same, Aug. 10th, 1870, *ibid.*, p. 124.

[71] Cordier, p. 369.

port, two French, one Italian and three British.[72] The remains of the victims of the massacre were buried on August 3rd in the presence of the French and British *chargés d'affaires*, the French and British admirals, Chung-how and the newly appointed Taotai, Fu and Hien [73]; and on that day the Comte de Rochechouart wrote to Tseng Kwo-fan "reproaching the viceroy for his want of energy and demanding the arrest of the guilty." [74] The next day, August 4th, by a telegram despatched from London, July 19th, he received news of the outbreak of war with Germany.[75] There was for a time some danger that hostilities between two Western powers, one of them France, might imperil a diplomatic settlement of the question; but, through the good offices of the American government, it was arranged that the hostile forces in Chinese waters should co-operate for the protection of all foreign interests.[76]

§ 17. The Western powers had generally instructed their envoys at Peking to give their support to the French representative [77]; but they were taken aback by the extent of the French demands.[78]

"A few days after the arrival of Count Rochechouart at Tientsin, the legations here were surprised to learn that he had demanded the punishment by decapitation of the two local officials [and of Chen Kwo-jui [79]] who were suspected of complicity in the riot, for he

[72] Adm. Sir H. Kellett to Admiralty, Aug. 22nd, 1870, "Tientsin Massacre," p. 122.

[73] Cordier, p. 372; "Tientsin Massacre," p. 123.

[74] Cordier, p. 370.

[75] Favier, "Peking," p. 243.

"I should have earlier reported that the rupture of relations between France and Prussia became known at Tientsin in the third week of July."—Mr. Wade to Lord Clarendon, Aug. 13th, 1870, "Tientsin Massacre," p. 127.

This is an obvious lapse of memory; even sixteen days, to Aug. 4th, was quick for a telegram via Kiakhta.

[76] Mr. Fish to Mr. Motley [minister at London] and Mr. Baneroff [minister at Berlin], Nov. 1st, 1870; Mr. Motley to Mr. Fish, Nov. 2nd; Mr. Baneroff to Mr. Fish, Nov. 3rd; U.S. For. Rel., 1870, p. 396.

[77] Lord Granville to Mr. Wade, Aug. 30th, 1870, "Tientsin Massacre," p. 9; Sir E. Thornton to Lord Granville, Washington, Oct. 3rd, 1870, *ibid.*, p. 120.

[78] "It would seem that the French *chargé d'affaires*, who at first acted with great calmness and judgment, had at a later period been somewhat precipitate in his demands."—Lord Granville to Lord Lyons [Ambassador at Paris], Oct. 24th, 1870, "Tientsin Massacre," p. 127.

[79] Cf. *antea*, § 5, and *postea*, n. 85.

had investigated the matter and satisfied himself of their guilt, and that, if condign punishment was not meted out without delay, he should feel himself at liberty to withdraw his legation and the French subjects from Peking, turning the whole matter over to the admiral, who would take such action as he deemed necessary to enforce the demand and maintain the honour of France. The government notified the other foreign ministers of this demand, and intimated that it would not be complied with; but said that the officials referred to had been deprived of office, degraded from their rank, and handed over to the board of Punishments for trial, and, if found guilty, would be punished with extreme rigor.[80] Further than this they could not and would not go, and, if war was the alternative, it must be accepted as the inevitable result.”[81]

This ultimatum of the French representative ought to have been supported by force, or it ought not to have been presented; but the situation in France engrossed the entire attention of the French government, and the naval authorities would not act without explicit instructions.[82] Later the Comte de Rochéhouart denied explicitly that he had presented an ultimatum with categorical demands, declaring that he had only insisted on certain points.[83]

§ 18. Consequent on the assassination of Ma Sin-yi, Tseng Kwo-fan was in September transferred to Nanking, and Li Hung-chang was appointed to the Chihli viceroyalty: to King Log, King Stork succeeded and remained firmly established at Tientsin for a quarter of a century. The anti-foreign party, always ready to resist foreign demands, even when reasonable, raised its head and declared these demands to be unreasonable.[84] The government had

[80] That is, if found guilty of complicity, banished to the frontier.

[81] Mr. Low to Mr. Fish, Aug. 22nd, 1870, U.S. For. Rel., 1870, p. 377.

[82] Ibid.; Cordier, “Relations,” i, p. 377.

[83] “Il est parfaitement faux que j’aie adressé au gouvernement chinois plusieurs ultimatums pour exiger telles ou telles satisfactions. J’ai, il est vrai, insisté sur certains points, mais je n’ai jamais formulé d’exigences *sine quâ non*.”—Circulaire de M. de Rochehouart au Consuls de France en Chine, Oct. 22nd, 1870, Cordier, i, p. 386.

[84] “Here at Peking the difficulty is two-fold; (1) There is an anti-foreign party, and the pro-foreign are either afraid of it or sympathise with it; (2) The French demands—for three heads in particular—are made on hearsay, and the officials say they don’t see how the Emperor could face his people and explain why he ordered those heads to fall. We are waiting also for two things: (1) News from Tientsin, and (2) News from France. There is great military activity in this province, and the Chinese are preparing—they say so—to meet France in the field, if France

already shown its disposition to take such action as would satisfy the reasonable demands of France and thereby preserve peace, but it did not venture to be too forward in humiliating the emperor and the country; and it dared not give the three heads, which were to fall without trial, on the demand of the aggrieved party—the fall of the heads, moreover, being regarded as a condemnation of the Chinese people.[85] Li Hung-chang arrived in Tientsin on September 18th, escorted by a large body of troops [86]; and, on the 22nd, Prince Kung informed the foreign envoys that the “execution of the prefect and magistrate would be by law almost impossible,” but that they would be banished to the frontier for life; he further offered fifteen heads, and the banishment of twenty-five other rioters.[87] The number of heads offered was subsequently increased to twenty.[88] On the 24th the representatives of Prussia, England, Russia and America sent a collective note declaring that “this decision, taken after a delay of three

makes fighting necessary. Winter prospects are not agreeable. We'll be safe enough in our houses, but it may not be so pleasant in the streets.”—R. Hart to E. B. Drew, Sept. 9th, 1870.

[85] “The spirit of all their policy is to hedge—to say ‘No’ to the foreigner in such a way as to not provoke him, and to say ‘Yes’ in such a way as to advance the aims of anti-foreign China.

“Prince Kung appreciates peace and desires its preservation; his brother, the Chiyeh [father of the next Emperor, Kwanghsü] is violent and headstrong, and if he had the chance, would make war inevitable. The Empresses are said to wish for quiet, too; they weep and wail, beseeching the Imperial Princes to remember that they—the ladies—are widows, the boy Emperor an orphan, and the throne at stake.

“Rochechouart began by asking for the heads of the Fu, Hsien and Chen Kwo-jui, and by declaring that Chunghow was absolutely free from blame. The demand sounded too like a threat to be acceded to, and the longer the time is, the more difficult does it become to give him those heads: even if their owners are guilty; on the other hand, Chunghow—even if a patriotic murderer—has lost face and is regarded as a sneak and a traitor.

“The captured hundreds [Tientsin rioters] say: ‘We heard our Fu-mu-kwan [Fu and Hien] had been killed by Fontanier; we rushed to avenge them; we now find that our Fu-mu-kwan were not killed; we hear, too, France complains and breathes war; our patriotism is great; if our heads will save you the trouble and expense of thrashing the French, pray take them; but if, after taking them, you still have to fight, then we will have perished miserably, and, our blood spilt in vain, our ghosts will wander disconsolate.’”—R. Hart to E. B. Drew, Sept. 28th, 1870.

[86] Consul Lay to Mr. Wade, Sept. 23rd, 1870, “Tientsin Massacre,” p. 178.

[87] Mr. Wade to Lord Granville, Sept. 23rd, 1870, *ibid.*, p. 171.

[88] Same to same, Sept. 25th, 1870, *ibid.*, p. 172.

months, is in no way satisfactory.”[89] Finally, France being powerless to act and the other powers being able to bring only moral suasion to bear, the Chinese government remained firm and this settlement of the Tientsin massacre was embodied in two decrees of October 5th and 9th.[90]

§ 19. Chunghow having been absolved from blame, General Chen Kwo-jui was now also declared to be not guilty of complicity in the outbreak. The prefect, Chang Kwang-tsao, and the magistrate, Lin Chieh, were declared “guilty in that they failed to maintain order, and did not immediately after the events arrest the culprits,” and were banished for life to the penal settlements on the Amur. For proved murder, twenty Chinese were condemned to death by decapitation; and for robbery and wounding, six were condemned to banishment for ten years and twenty-five for three years.[91] In the list of twenty condemned to death, seventeen were recorded as “admitting having killed” one or other of the victims, while three were convicted on the testimony of others; this is in accordance with Chinese legal practice, such “admissions” being invariably obtained by torture.[92] Of the twenty, sixteen were condemned for the murder of French subjects; these were duly executed at Tientsin on October 19th, under conditions which made them appear as heroes in the eyes of the bystanders.[93] Four were convicted of complicity in the murder of Russians; the Russian envoy refused to accept their guilt as having been proved by an impartial trial, and, of the four, two only were subsequently executed, their guilt being fully proved.[94] In addition the sum of Tls. 250,000 was paid as indemnity,

[89] Ibid.; Cordier, “*Rélations*,” i, p. 377.

[90] Decrees in Mr. Wade to Lord Granville, Oct. 7th and 10th, 1870, “*Tientsin Massacre*,” pp. 193, 196; Cordier, pp. 378 seq.

[91] Prince Kung to Cte de Rochechouart, Oct. 15th, 1870; Cordier, p. 378; “*Tientsin Massacre*,” p. 232.

[92] Cf. “*Conflict*,” chap. v, § 38.

[93] Consul Lay to Mr. Wade, Oct. 19th, 1870, “*Tientsin Massacre*,” p. 239.

[94] Mr. Low to Mr. Fish, Aug. 5th, 1871, U.S. For. Rel., p. 152. “Russia refuses to have the four heads; their guilt is not proved; I expect to see them work Kiakhta telegraph out of this, but I don’t think Vlangaly will make a move until the cable is in working order from Hong-kong to Shanghai.”—R. Hart to E. B. Drew, Nov. 14th, 1870.

Tls. 120,000 as compensation for the murder of non-ecclesiastical persons,[95] and Tls. 180,000 for the church.[96]

§ 20. Chunghow started, on October 28th, on his mission of apology, accompanied by Messrs. Novion and Imbert, two Frenchmen in the Chinese customs service. He found the provisional government more deeply concerned with the defence of France than with other and indifferent matters; and after vainly hunting over France for some responsible minister to whom he could unburden himself, he started to return by way of America. On reaching New York, he was summoned back to France. At first an audience was refused to him, on the ground that no audience with his own sovereign had been accorded to the French envoy in Peking; but finally, on November 23rd, 1871, he was received by the president, M. Thiers, at Versailles. He then presented the autograph letter of which he was the bearer, and pronounced his formal apology and his hope that the punishments already inflicted would be considered sufficient. In reply he was informed that France wanted, not heads, but the maintenance of order and the proper execution of the treaties; and that it would be well for China to establish a permanent legation in Paris.[97] And so the fault of China was condoned by France, struck down on her own soil, and unable to assert her dignity abroad.[98]

§ 21. China had sacrificed to the vengeance of France a score of heads of ignorant coolies, whose actual guilt

[95]	Tls.
Consul Fontanier	30,000
Chancellor Simon	20,000
Chancellor Thomassin and wife	50,000
Merchant Challemaison and wife	20,000
	<hr/>
	120,000

Prince Kung to Cte de Rochechouart, Oct. 18th, 1870; Cordier, p. 385; "Tientsin Massacre," p. 238.

[96] Of the indemnity paid to the Church the amount due for the murder of the victims was refused, on Jan. 3rd, by Mgr. Delaplace, bishop of the diocese, and only the sum for reconstruction was accepted.—Favier, "Peking," p. 243.

But the whole sum, Tls. 180,000, having been paid to the treasurer of the mission at Shanghai, he refused to restore any part of it.—Cordier, p. 388.

[97] Cordier, pp. 403 seq.

[98] "If France had not had this war with Prussia, the solution would not have been accepted."—R. Hart to E. B. Drew, Oct. 12th, 1870.

was strongly doubted; she had banished another score, and had also banished the two officials whose laxity, or complicity, had made the massacre possible; but she had refused to give the heads of the last two. Had no foreigner been involved, and had this case been one of rebellion, those two heads would have fallen; but had it been, as it was, a riot, and had only Chinese lives been lost, the punishment inflicted would have been the one actually inflicted. But foreigners had been murdered most atrociously; the murders had been an episode in the long sequence of anti-Christian agitation; and this episode was especially directed against one of the Western powers. The settlement has therefore never been accepted as adequate reparation for the wrong committed, nor as providing adequate security against its repetition. This feeling has been expressed in strong language by representative writers. The French commentator says of it—"The sad maxim, might makes right, should be applied in all its rigour in China; otherwise, let us quit, bag and baggage." [99] The English commentator implies some regret that "the Chinese government narrowly escaped a signal retribution for its continued guerilla warfare against foreigners as represented by the missionary vanguard." [100] An American opinion, entitled to much weight, declared that, "if in 1870 the French chargé, declining the offer of money and heads, had waited until he could have a fleet of gunboats in the Peiho, if then the whole suburb where the riot occurred had been laid in ashes and the ground confiscated for a French concession, the government would have taken care that there should not be a second riot." [101] The foreigners resident in China generally thought that "it remains to be seen . . . how France will view the settlement, when she again has leisure to turn her attention to the east." [102] On the other hand an unprejudiced Austrian opinion was that Prince Kung and the Chinese ministers had struck a fair balance, and—"as they were compelled to make an example of the guilty, at least let them be punished according to the regular forms of justice

[99] Cordier, "Rélations," i, p. 390.

[100] Michie, "The Englishman in China," ii, p. 244.

[101] W. A. P. Martin, "A Cycle of Cathay," p. 445.

[102] North-China Herald, Jan. 25th, 1871.

of the country, and not with the appearance of any pressure from without.”[103] The case may be summed up in the words of an American who had had forty years’ experience in China as missionary and as diplomat—“In short, the whole history of the riot—its causes, growth, culmination, results, and repression—combine as many of the serious obstacles in the way of harmonising Chinese and European civilisations as anything which ever occurred.”[104]

§ 22. The Chinese ministers felt, however, the dangers which still lurked in the missionary question, and, in the summer of 1871, presented to the legations a circular memorandum, in which they sought to establish a method of regulating the Christian propaganda in China, and of controlling what they alleged to be the unregulated zeal of the missionaries.[105] M. Thiers told Chunghow at his audience that France could not accept the proposed regulations [106]; and the Tsungli Yamen was also so informed by the Comte de Rochechouart, who criticised them in detail.[107] They were approved in principle, but severely criticised in detail, by the other powers interested [108]; and the good intentions of China were thereby defeated. To the Western powers there remained, as a means of settling the dangerous situation, the impending audience with the emperor and the deferred revisions of the treaties, by which it was hoped that the status of merchant and missionary alike might be made more secure [109]; the audience was clipped of its splendour,

[103] Hübner, “Ramble,” p. 571.

[104] S. Wells Williams, “Middle Kingdom,” ii, p. 706.

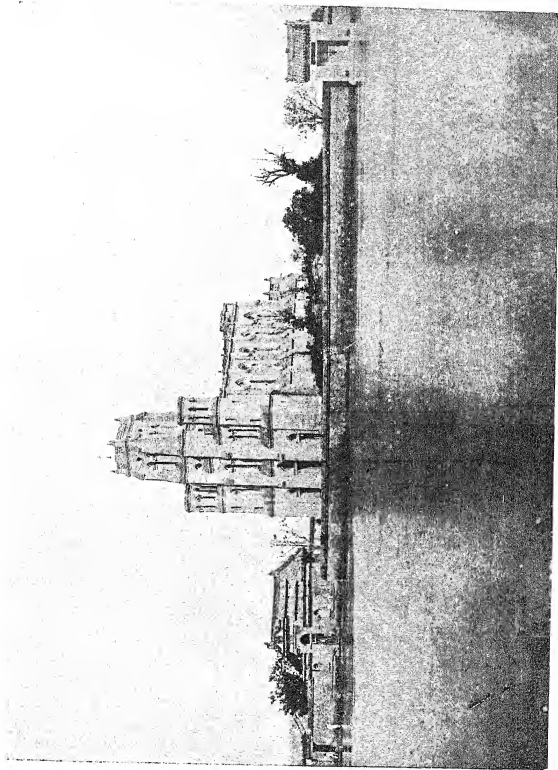
[105] Text in Cordier, “*Rélations*,” i, p. 416; “Circular of the Chinese government,” China, No. 3 (1871); U.S. For. Rel., 1871, p. 158.

[106] Cordier, p. 410.

[107] *Ibid.*, p. 430.

[108] Lord Granville to Mr. Wade, Aug. 1871, in U.S. For. Rel., 1871, p. 156; Mr. Wade to Prince Kung, June 8th, 1871, in Cordier, p. 436; Mr. Davis to Mr. Low, Oct. 19th, 1871, U.S. For. Rel., 1871, p. 153.

[109] “The Tientsin folk have not had a complete triumph; though they fancy themselves triumphant. In that circular to Consuls which De Rochechouart had published, you will see that Chunghow has gone to France to settle the matter there ‘S’il le peut’ if he can: which means that De R. does not accept the solution on the part of his government, and that, knowing the Chinese will do no more for him here, he leaves it to their agent to prevail with his government. I fancy 1871 will be an important year in China’s annals, but Europe is in such a condition just now that one cannot say how things will come about. As for the winter here,



TIENTSIN CATHEDRAL IN 1871.

and the "re-re-re-revision" of the treaties was deferred for yet another thirty years. As redress for the Tientsin massacre France had to exhibit the sixteen heads and the cathedral re-erected on its old site, the latter forming part of the triple symbol of Roman dominance and French prowess in arms—the church of Notre Dame des Victoires on the site of the imperial temple of Hwanghailow at Tientsin; the cathedral at Canton on the site of what, up to 1857, had been the viceroy's yamen; and the Pehtang cathedral at Peking, erected on land the gift of an emperor,[110] and dominating with its towers the grounds of the imperial palace.

I feel quite safe. I am inclined to think that France will give China a chance—the chance of being liberal when revision time comes, and that, if China should then be liberal, Tientsin will be forgiven: if illiberal, there will be no end of a row. . . . England will probably join France in re-re-re-revising: you see my pen stutters over this inauspicious word. China is as ripe now as she will ever be: and she does not deserve equal consideration till she gives equal facilities: that is my creed. At the same time she deserves—so does the devil—fair treatment at all times. The religious question ought either to be eliminated or Christian states go the whole hog, and protect converts against their pagan government. It is a serious question this: from a worldly point of view, I am of the former opinion, but, as a Christian, my sympathies go in the latter direction."—R. Hart to E. B. Drew, Nov. 14th, 1870.

[110] Presented by the Emperor Kanghi in 1693.—Favier, "Peking," p. 168.

Confiscated in 1724 by Yungcheng, restored in 1846 by Taokwang, in 1886 the site was, by the mediation of Mgr. Favier and Mr. G. Detring [commissioner of Chinese customs], exchanged for another site further removed from the palace, the mission receiving the sum of Tls. 350,000 for the cost of reconstruction.—Ibid., p. 253.

CHAPTER XIII

MAJORITY, AUDIENCE AND DEATH OF TUNGCHIH

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§ 1. THE friends of China, those in her service and those who were officially in the opposing camp, had always held a hopeful view of her regeneration, and trusted that, sooner or later, she would awake from her self-satisfied slumber of centuries. Of these friends Mr. Hart, the trusted adviser of the imperial ministers, and the commissioners of customs, commanding the ear of viceroys, governors and taotais in the provinces, were in the best position for giving helpful counsel. The burden of Mr. Hart's advice to those under his orders was to push steadily towards reform [1]; but he was under no illusions, and

[1] "Try and get them [the local officials] out of their shells, and put new ideas into their noddles when you get the chance."—R. Hart to E. B. Drew, March 25th, 1869.

saw clearly that the self-interest of the officials, the ministers at Peking as well as the provincial authorities, was an immovable obstacle which would always prevent any far-reaching changes.[2] He was, however, always full of hope; and, in the decade following the Tientsin massacre, while he was less hopeful of administrative reforms, he still saw visions of great material development.[3] On the other hand he saw as clearly that China was no longer wax to receive the impressions of the foreign representatives, but would be more likely to take her own time and go her own way.[4] It followed from this attitude, the result of a progressive education in international diplomacy extending over thirty-five years, that China took no

[2] "Rochechouart, just returned from his travels, tells me that in Shansi, as far as the eye can reach, the poppy is cultivated; he passed through great plains, and saw it everywhere in flower—a most lovely sight; oddly enough, that ground is most lightly taxed, for the mandarins dare not report the growth of poppy nor can they stop it, and thus they pocket a fee and return the best land in the province as waste. I fear there is no hope for the 'great pure.'"—Same to same, Aug. 13th, 1869.

"It strikes me that if the Board of Revenue had to choose between *him* [the Hoppo] and *me*, it would throw me over: for honest collection and truthful report mean *impecuniosity* for the Board, whereas the Chinese way of doing the work would give the Hoppo lots of spare cash for feeling all and sundry. If we do it, we'll do it with crushing force and make a good thing of it from the start."—Same to E. C. Bowra, Feb. 2nd, 1871.

[3] "The Governor General's desire to replace guard boats by steam launches is a very good idea. Steam is taking hold of the official mind, and in a few years, if not disgusted by too much pressure, the horse will drink heartily of the water to which he has been led."—R. Hart to E. C. Bowra, Dec. 30th, 1871.

"Li Hung-chang's projected coal mines are opposed by the people of the locality to such an extent that he fears he'll have to abandon his plan; but, on Formosa, [H. E.] Hobson has successfully arranged for working the Kelung coal-field. Forts are bristling all round Tientsin and in many other places, and official talk loves to dwell on the sweet syllables the Chinese mouth makes of the word 'Krupp.' Torpedoes are toys in all the houses, and, as for an 80-ton gun creating astonishment, the wonder is that thousand-tonners have not yet been devised for the Chinese and sent out in cases, and as numerous, as needles and matches! The big giant is really waking up, but what a time he takes to yawn and rub his eyes!"—Same to C. Hannen, Oct. 25th, 1875.

[4] "There is no special news stirring here, except that things go to show the Chinese will hold their own more in future, and will not be easily bounced into anything they don't like; their missions have taught them that home governments think but little about the petty points ministers worry after, and that, out of big difficulties, ways of escape can be found, and wars put off. Things look well enough, but there is more than one rift interfering with the melody, and I do not see how five years of undisturbed quiet are to be calculated on."—R. Hart to E. B. Drew, Jan. 18th, 1872.

voluntary step forwards in the twenty-five years following the Tientsin massacre.

§ 2. The hopes of the foreign envoys were centred on the approaching majority of the emperor. Then it was confidently expected that they would at last be admitted to an audience as representatives of equal and friendly nations; and the date coincided approximately with the date for the revision of the French treaty. In November, 1870, when he fully realised the impossibility of obtaining his demands for redress for the massacre, the Comte de Rochechouart had asked for a revision of the tariff rules of 1858, but his request had been evaded. On September 18th, 1872, the new envoy, M. de Geofroy, raised the question of revising the treaty of Tientsin; and, on October 10th, he was invited by Prince Kung to submit his proposals. In November a joint committee began a study of the treaty, article by article; but it was soon found that further progress was made impossible by the desire of China to restrict the privileges granted to missionaries, and the desire of France to extend the privileges granted to her diplomatic representative and to settle, in the revision, the disputed points connected with the audience.[5] Revision was, therefore, again dropped.

§ 3. Telegraphic communication was established on June 3rd, 1871, from Shanghai by London through to San Francisco, the last link, the cable from Singapore to Hongkong, being opened on that date [6]; in July, 1871, the Portuguese made an attempt, which the Chinese frustrated, to extend their jurisdiction over the islands dominating

[5] Cordier, "Rélations," i, p. 464.

[6] Telegrams exchanged on June 11th, 1871.

"To the President, New York Chamber of Commerce. The Hongkong Chamber of Commerce congratulates its sister organisation of New York on the successful completion of Telegraphic Communication which now extends more than two-thirds round the globe, and brings China within speaking distance with the great American Republic. Professor Morse, who is your guest this evening, has lived to see one of the greatest triumphs of telegraphy, and the Hongkong Chamber joins you in doing honour to one whose name will always be associated with this great work."

"To the Vice-President, Chamber of Commerce, Hongkong. The Chamber of Commerce of New York cordially reciprocates the congratulations of your body on the event so auspicious to Commerce, thanks to the genius of Professor Morse, which has placed our two cities within speaking distance. George Opedyke."—North-China Herald, June 23rd, 1871.

the harbour of Macao [7]; and the attempt at revision by the French envoy was made in the autumn of 1872. In this interval of time the court of Peking was engaged in what was, for the empire, a much more serious business. On April 30th, [8] 1872, the young emperor reached the mature age of sixteen (seventeen by Chinese notation), and it became necessary to provide him with a consort. Search was made among the noble Manchu and Mongol families, and, in March, a series of edicts from the empresses dowager informed the empire that their choice for the imperial consort had fallen on the daughter of the Manchu Chungki, of the Aluteh clan; and that three other maidens, two Manchu and one Mongol, had been chosen to be first, second and third concubines. [9] The father of the consort elect was a brother of Chunghow, and had in 1865 passed out from the metropolitan examinations as chwang-yuen, or senior wrangler, the only time in the history of China when the distinction had been gained by one who was not Chinese. The selection of the consort was designed to compose the feuds in the Manchu ranks; she was granddaughter of the Prince of Cheng, condemned to the bow-string in 1861, [10] and, through her mother, was grand-niece of Saishangah [11]; and the third concubine, daughter of Saishangah, was her aunt. [12] The wedding was fixed for October; and the heavenly aspects decreed that the bride should leave her home at 11.30 p.m. on the 15th and should cross the threshold of the imperial palace at a few

[7] North-China Herald, July 28th, 1871.

"The Governor of Macao is an amusing despatch writer; but, as his government has told him not to interfere with Chinese work on what is incontestably Chinese soil (or water), your course is clear. It's easy for the Hoppo, who has no *ti-fang* [territorial] responsibility, to breathe war and be against compromise. He is a wise man who is content to gain the real end for which his measures are first taken, and compromise is better than shelling."—R. Hart to E. C. Bowra, Aug. 18th, 1871.

"And as regards Macao, don't let the Governor General do anything that could be interpreted to mean or involve a recognition of Portuguese sovereignty; at the Motaomen and other points such steps can be taken as shall prevent a single junk or passage-boat from visiting Macao, and that measure can be resorted to without difficulty, if necessary."—Same to same, Dec. 30th, 1871.

[8] Third month, 23rd day.

[9] Mr. Low to Mr. Fish, March 15th, 1872, U.S. For. Rel., 1872, p. 133; Cordier, "Relations," i, p. 454; North-China Herald, April 20th, 1872.

[10] Cf. chap. iii, §§ 8, 11, 14.

[11] For Saishangah's record, cf. "Conflict," chap. xvii, §§ 6, 10.

[12] North-China Herald, April 20th, 1872.

minutes after midnight; and in that selected half-hour the sedan-chair of imperial yellow, with its sixteen bearers, passed in solemn silence through the torch-lighted streets, deserted save for the richly costumed guards, conveying the chosen bride to her seat on the phoenix throne.[13] Two days before the wedding, two ministers of the Tsungli Yamen, one of them Chunghow, uncle of the consort, recently returned from his mission to France, called in person on the foreign envoys to announce the coming event, and to request that they and their nationals should keep within their own doors at that time. The request was acceded to, but much vexation was felt. "In all the countries of the world in general, when there is a court festival, the ambassadors are among the first to be invited." [14] The universal feeling was one of slight and of danger to foreign interests. "In the evening [of October 13th] I found the other ministers very indignant, much more indignant even than I; they had, in succession, received the same compliment, had taken it very badly, and had replied each in his own way"—the two ministers of the Yamen had been received by Mr. Wade with an outburst of anger, by General Vlangaly with a sharp lecture, by Mr. Low in a sulky way which must have been very disagreeable to them, while at the Spanish legation they encountered a veritable tempest; the German and Italian envoys were not, at the moment, in Peking.[15] In the court, however, there was complacent satisfaction; and, as a mark of the imperial favour, Prince Kung's title of imperial prince was made hereditary in his family.

§ 4. On October 21st an imperial decree announced that the time had come when the regency of eleven years should be at an end; and February 23rd, 1873, was fixed for the assumption by the Emperor of the direct governance of the empire.[16] On that day, for the first time in history, the shipping in Chinese ports was decorated with bunting, the dragon flag at every masthead [17]; and

[13] G. Devéria, "Un Mariage Impérial Chinois"; Cordier, i, p. 458.

[14] M. de Geofroy to Ministre des Aff. Étr., Oct. 16th, 1872; Cordier, i, p. 456.

[15] M. de Geofroy, *ubi sup.*

[16] Cordier, i, p. 465.

[17] North-China Herald, Feb. 27th, 1873.

on the next day, the foreign envoys in Peking [18] sent a collective note asking for an audience. Wensiang very inconveniently fell ill, and, on March 5th, a second note was sent. The question dragged along, and, on April 7th, the German envoy was compelled to leave Peking for reasons of health. His departure was followed by the arrival of two new envoys, Mr. J. H. Ferguson, representative of the Netherlands, and Soyesima, minister of Foreign Affairs and special ambassador of Japan. The latter was commissioned to present a letter of congratulation from the ruler of a country which the Chinese sovereigns had for many centuries regarded as a subordinate nation, only just removed from the category of vassal states. He had in addition been charged to raise the question of Formosa [19]; and, on his way through Tientsin, had held conferences with the viceroy, Li Hung-chang, who had already begun to exercise the predominating influence which he was to exert over China's international relations during the following quarter of a century. Li's statesmanlike advice, coupled with the high rank of the special ambassador, smoothed away all difficulties; and ultimately the much-desired audience was granted to him as well as to the representatives of the Western powers.[20]

§ 5. Finally, on June 14th, an imperial decree [21] stated that "the Tsungli Yamen, having memorialised that the foreign envoys [22] sojourning [23] in Peking had fervently

[18] The representatives of Russia, Germany, United States of America, England and France.

[19] Cf. *postea*, § 7.

[20] Cordier, "Rélations," i, p. 473; North-China Herald, July 19th, 1873.

"Don't bother yourself about the audience. You ask when it is to be: all I can say in reply is, Christmas is coming!"—R. Hart to H. Kopsch, June 3rd, 1873.

[21] North-China Herald, July 12th, 1873.

[22] The proper phrase to be used as the equivalent of "envoy extraordinary and minister plenipotentiary" is *Kin-chai ta-chen*: The phrase actually used, rendered "envoy," was *shih-chen*, the term applied to the tribute-bearing envoys from Korea, Loochoo, and other tributary states; used in Peking Gazette of Aug. 30th, 1871, of a messenger from a petty state who came to Peking in charge of a present of elephants sent to the Emperor.—Translator's note.

[23] *Chu*, used in reference to the stages through which travellers and couriers pass; also (in Peking Gazettes of March 27th, April 11th, and May 28th, 1873) to the stages through which the Emperor had then lately passed on his journey to and from the imperial tombs.—*Ibid*.

implored [24] an audience in order to present to Us their letters of credence. We now command that these foreign envoys thus sojourning in Peking, who have letters to present, be admitted to an audience." On the strength of this permission a protocol was drawn up with great care by the Chinese ministers, and acceded to by the foreign envoys, defining with precision every step of the procedure [25]; and the procedure was, with some shame-faced jesting, [26] rehearsed under the instruction of officers of the court. On the morning of Sunday, June 29th, the foreign envoys met at 5.30 at the Pehtang church, and at 6 a.m. were conducted by Chunghow to the Fuhwa gate of the Imperial city, where they were received by Wensiang. Here they were entertained with refreshments, until, at 8.30, they were conducted to a marquee, where they were received by Prince Kung; and at 9 o'clock the Emperor mounted his throne in the Tzekwangko. Soyesima, as the only ambassador, was then received in audience, first and alone. Then the ministers plenipotentiary and *chargés d'affaires* entered together, in order of precedence according to their date of arrival in Peking—Vlangaly (Russia), Low (America), Wade (England), de Geoffroy (France) and Ferguson (Netherlands); they were accompanied as interpreter by Mr. Bismarck, selected as being the senior legation interpreter and the representative of the otherwise unrepresented German legation. General Vlangaly, as dean of the diplomatic body, delivered the speech of congratulation, and each envoy in turn laid his letter of credence on the table in front of the Emperor. The latter in response, through the mouth of Prince Kung, expressed his amicable feelings to the rulers represented; and the collective audience was over. The French minister then, accompanied by his own interpreter, M. G. Devéria, had a special audience to deliver the reply of the French government to the letter delivered two years before by Chunghow. The whole proceeding was over within a half hour.[27]

[24] A phrase which, in Chinese etiquette, is only used by the memorialist himself to express his humility; cf. *Peking Gazette*, May 26th and 28th, 1873.—*Ibid.*

[25] Cordier, "*Rélations*," i, p. 476.

[26] Chinese account cited, *ibid.*, p. 484.

[27] Cordier, "*Rélations*," i, p. 479.

§ 6. Eighty years had elapsed since the last foreign representative [28] had been received in audience by a Chinese sovereign. There was now no question of degrading ceremonies which should serve as recognition of the superiority of the court of Peking to all other courts in the world; but, none the less, there was a subtle suggestion of supremacy which satisfied Chinese pride, while it did little harm to the Western powers. Some were satisfied with the forms of the audience [29]; but the general feeling was one of discontent. The representative of Japan alone had reason to be perfectly contented; he had not only been granted an audience, but had, for special reasons, been given an exceptional position.[30] For the other national representatives the situation was not so satisfactory. Whether they should go on foot or should have the privilege of riding—on horse-back, in chair, or in cart—within the palace precincts, was a question which was evaded by the simple expedient of holding the audience outside. Within the "Imperial City," but to the north and west of the "Purple Forbidden City," from which rise the glittering yellow-tiled roofs of the imperial palaces, lie the imperial pleasure grounds with their three lakes. To the west of the southernmost of these lakes, in the shadow of the towers of the old Pehtang cathedral,[31] stands the Tzekwangko, a garden pavilion in which the envoys of tributary states, such as those of Korea, were customarily received in audience.[32] It was in this hall

[28] Lord Macartney in 1793. Cf. "Conflict," chap. iii, § 16.

[29] "The first audience came off on June 29th in the Tze-kwang-ko (Pavilion of Violet [Purple] Light) . . . and so another point has been scored in international history!"—R. Hart to H. Kopsch, July 2nd, 1873.

[30] "The recognition of an insurgent state as an independent nation by its former sovereign is an event of historic interest, as the consummation of a successful revolution. The first appearance of a Netherlands envoy at the Escorial, of an American at St. James's, were hardly more significant of revolution than the reception of a Japanese ambassador by the Emperor of China. If that recognition of the independence and equality of Japan was not a renunciation of claims to Japanese fealty by this empire, it was, at least, an abandonment of arrogant claims of supremacy, and an evidence that China is conscious that a new era has dawned on this part of the world."—North-China Herald, July 19th, 1873.

[31] Cf. chap. xii, n. 110; see map of City of Peking inserted in "Subjection."

[32] "A l'Ouest on rencontre l'ancien Petang, le palais du Tze-kwang-ko . . . c'est là que se font les examens militaires. . . . On y reçoit aussi les princes et ambassadeurs tributaires, et on y donne les grands repas aux

that the Emperor, in 1873, "went for the purpose of granting audiences" [33]; and the foreign envoys, proceeding thither on foot, were there received in audience, and in such hall alone were audiences granted until 1894, after the victories of Japan. The Western powers had attained their end, but they made no change in the situation and created no new point of departure [34]; and the Chinese court was confirmed in the belief that it stood pre-eminent among the courts of the world.

§ 7. The Japanese minister for Foreign Affairs, Soyemima, had scored a point for his country in asserting his position at the audience; but it was not for such a trumpery question that he had left the important post he held. His task was to settle the Formosan difficulty, which had arisen from the murder, by aboriginal tribes in Formosa, of shipwrecked sailors from the Liuchiu islands.[35] This string of islets, forming a pendant to the islands of Japan, was for centuries tributary both to China and to Japan. Tribute was first sent to China in A.D. 1372, and to Japan in 1451; the successive princes of Liuchiu have received their investiture regularly from the Chinese emperor since the time of Yunglo, 1403-1425; but, on the other hand, the islands were conquered by the prince of Satsuma in 1609, and since that date each succeeding Liuchuan prince has also received investiture from the sovereign of Japan, and rendered him homage. Ambassadors sent for this purpose visited Peking in 1865, and Yeddo (Tokio) in 1850.[36] When, in December, 1871, some Liuchuan sailors, shipwrecked on the unreclaimed part of Formosa, were, according to the Japanese report,

princes mongols; enfin l'empereur y a reçu les ambassadeurs européens en 1874" [1873].—Favier, "Peking," p. 283.

[33] Peking Gazette, cited in North-China Herald, July 19th, 1873.

[34] "The audience was really a means rather than an end; it has been treated as an end rather than a means. It should have been regarded as a new point of departure—as establishing a foundation for relations based on truth instead of fiction. It has been treated as the culminating point of thirteen years' diplomacy, and has happened under circumstances that tend to confirm the evil rather than to establish the truth."—Ibid.

[35] From their old connexion with China, these islands are commonly named on the maps Liuchiu, Luchu, Loochoo, Lewchew or Liukiu. By their present over-lords, the Japanese, they are called Riukiu.

[36] S. Wells Williams, "The Liuchiu Islands," Journal North-China Branch of the Royal Asiatic Society, 1866; E. W. Satow, "Notes on Loochoo," Journal of the Asiatic Society of Japan, 1872 (the first paper in vol. i).

killed and eaten by the independent tribes of the mountains, Japan assumed as a fact her own suzerainty over Liuchiu, and demanded redress for the death of her subjects. China made no counter-claim of suzerainty; and, in his conferences with Soyesima in April, 1873, Li Hung-chang accepted the responsibility and undertook to obtain orders from Peking to punish the offending tribes in Formosa and to keep them in order in the future.[37]

§ 8. This decision of the far-seeing statesman at Tientsin did not commend itself to the imperial ministers at Peking, harassed to provide funds for the imperial wedding, the majority of the emperor, and the requirements of the campaign in the far west,[38] all with their "blind mouths" of officials of the court and the state demanding to be filled; and, in July, they informed Soyesima that China claimed no control over the savage tribes in the mountainous eastern half of Formosa, who recognised no power as their over-lord, and that they declined to interfere. The Japanese government then decided to follow its own course; and, in April, 1874, an expedition was despatched from Japan, consisting of 3,000 troops, and an equal number of transport coolies, under the command of generals Okuma and Saigo. With these Japanese commanders were associated some American officers, General Le Gendre, retired, and Lieutenant-Commander Cassel, of the navy, and Lieutenant Wasson, of the army, both on the active list. The force rendezvoused in the Chinese port of Amoy, and, on May 7th, effected a landing in Liangkiao Bay, on the east coast, near the southern end, of Formosa. The commanders had instructions to select for the landing a place outside Chinese jurisdiction. There were some skirmishes with the tribes descending from the mountains; but, by July, the attitude of China had become uncertain, and the Japanese force desisted from further operations.[39]

[37] North-China Herald, July 26th, 1873.

[38] This distant campaign resulted in the suppression of the Mohammedan rebellion in Kansu, the reconquest of that province, and the restoration to imperial rule of Turkestan, renamed Sinkiang, or the New Dominion. The commander Tso Tsung-tang was a blunt soldier, with a fine reputation for leadership, and free from the covetousness characteristic of the Chinese officials generally. In one season, to provide for his troops, he halted his army, sowed and harvested a crop of grain, and then continued his advance. Cf. *postea*, chap. xvi.

[39] E. H. House, "First Formosa Expedition," *passim*; J. W. Davidson, "The Island of Formosa," chaps. x.-xii.

§ 9. The Chinese government had committed a blunder, partly due to the wish to avoid incurring the expense of an expedition, but also due to the system of government which made its ministers incapable of treating national questions in a statesmanlike way. Li Hung-chang at Tientsin had seen the wiser course, and had given sound advice; his brother Li Han-chang was viceroy at Foochow, with Formosa within his jurisdiction; and, had Prince Kung consulted him, he would have given advice as sound. Somewhat late in the day, the Chinese ministers changed their attitude. When General Saigo wrote from Amoy announcing his intentions in proceeding to Formosa, he was informed by the Foochow viceroy that "Formosa being Chinese territory, it devolves on China alone to punish these savages." [40] A few days later Prince Kung sent direct to the government at Yeddo (Tokio) a communication in which he declared that, in 1873, Soyesima had raised three questions concerning China's claim to jurisdiction over Macao, Korea and Formosa; he was informed that China claimed overlordship of all three, but that a mission of investigation to Formosa would not be objected to; but now the mission had assumed the form of an expeditionary force, and China must protest against this denial of her jurisdiction over the whole of Formosa. [41] The Chinese ministers had now come to realise the folly of their previous attitude; they despatched troops to Formosa, [42] but were still inclined to shrink from war.

§ 10. Japan had been lured into a false position. Her samurai were soon to engage in a rebellion, but meantime, in 1873 and 1874, were urging the government to engage in a war of conquest. Their preferred objective was Korea. The ministers considered that the country was not yet strong enough for this; and, seemingly with China's consent and approval, were glad to have the Formosan expedition to offer to the gentry, eager for war which provided the natural outlet for their energies. Now they

[40] Li Han-chang to Gen. Saigo, May —, 1874.—North-China Herald, June 13th, 1874.

[41] Prince Kung and nine ministers to minister of Foreign Affairs, Japan, May 11th, 1874.—North-China Herald, July 4th, 1874.

[42] Between Aug. 25th and Nov. 17th a total of 10,970 Chinese troops were landed in South Formosa.—Report on trade of Takow, Customs Reports, 1874.

were brought up with a sharp turn. It was no longer a campaign against a few thousand hardy savages, occupying a land of mountain and jungle, that confronted them, but a war against a mighty empire. The ministers, the army, and the people might all feel confident of success; but none the less it was a desperate venture, if they undertook it, and they hesitated before the undertaking.

§ 11. So long as it was supposed that China had no objection to the expedition, the attitude of the Western powers could only be one of friendly interest. The American government at first took no action to restrain Americans from engaging in the Japanese service; but, at the last moment, forbade the use of American ships as transports.[43] There was more hesitation in prohibiting American officers from lending their services; but, when China had finally decided to oppose the expedition, the American consul at Amoy sent them a formal order to withdraw[44]—an unauthorised order to which they paid no attention.[45] On August 6th, however, General Le Gendre was arrested by the consul at Amoy, was sent to Shanghai, and was there released, as “it seemed that a prosecution before [the consul] under the neutrality act must fail” [46]; at the same time Commander Cassel’s leave was revoked.[47] The other powers generally forbade their nationals from the outset to engage in the expedition. The foreign envoys to Japan were uneasy in considering the danger to which that country was deliberately exposing herself [48]; while those in Peking hoped that some good

[43] Mr. Bingham to Mr. Fish, Tokei, April 22nd, 1874; Mr. Fish to Mr. Bingham, June 6th, 1874; U.S. For. Rel., 1874, pp. 675, 687.

[44] Notification by J. J. Henderson, June 6th, 1874; Mr. Fish to Mr. Williams, July 29th, 1874; *ibid.*, pp. 300, 318.

[45] J. W. Davidson, *op. cit.*, p. 157; Mr. Fish to Mr. G. F. Seward, Aug. 26th, 1874, *ibid.*, p. 332.

[46] Mr. G. F. Seward to Mr. Cadwalader, Shanghai, Sept. 2nd, 1874; Mr. Cadwalader to Mr. Seward, Nov. 2nd, 1874; U.S. For. Rel., 1874, pp. 340, 348.

[47] Mr. G. F. Seward to Mr. Cadwalader, Sept. 2nd, 1874, *ubi sup.*

[48] “. . . this foolish expedition to Formosa; in this matter they have been led away by their own conceit.”—Sir H. Parkes to Sir D. B. Robertson, April 14th, 1874, Dickins and Lane-Poole, “Sir H. Parkes,” ii, p. 190.

“I think he [Wade] is to be congratulated; so are the Japanese who, thanks to him, have escaped from a grave difficulty of their own creation.”—Same to same, Nov. 16th, *ibid.*, ii, p. 194. See also n. 49.

might accrue to China from the difficulty in which she was involved through the folly of her own ministers.[49]

§ 12. The two countries seemed to be drifting into war, which might at any moment be precipitated by a chance collision between their forces then in Formosa. At the end of September the British envoy at Peking, Mr. Wade, with the cordial support of his French colleague, M. de Geofroy, took some steps to promote a conciliation, but they failed. A few days later Okubo arrived in Peking as special commissioner from Japan, provided, though the fact was not known to Mr. Wade, with instructions to effect a settlement on almost any terms[50]; and he proposed to the Tsungli Yamen that China should complete the task, already begun by Japan, of punishing the tribes, and should pay to Japan an indemnity of three million dollars. The payment of an indemnity was rejected; and the Japanese commissioner then presented an ultimatum declaring that the matter must be settled before October 19th, failing which Japan would continue the task she had undertaken. Mr. Wade now intervened for a second time, and, on October 31st, an agreement was signed by which the previous action of Japan was recognised as being justified, Japan agreed to withdraw her forces, and China paid to Japan a sum of half a million taels (\$750,000). Of this indemnity it was expressly agreed that no part should be considered as repayment of military expenses; Tls. 100,000, it was stipulated, was compensation to the families of the murdered Liuchuan sailors, and

[49] "The Japs are on Formosa; the Yamen disavows connection with the expedition: the Japs do not know whether to push on or go back: the Chinese do not know whether will have to fight the Japs or get them out in another way: that's the situation, and the result so far is that the Viceroy at Foochow has—authorised a land line of telegraph from Sharp Peak to Foochow! I ought to add that foreign ministers in Japan are against the expedition, arguing that it will do no good to Japan; while here the foreign ministers are all for the expedition, arguing that it will do good to China. So far the expedition is a fact, and so far it is rousing China from its long slumber."—R. Hart to E. B. Drew, July 3rd, 1874.

"The Japanese minister is now here, and I suppose the winter will find either the question settled or the two countries at war. So far, the expedition has done China nothing but good, and, in fixing the telegraph on shore in Fukien, it has opened one of the closed doors of the country—I hope the other doors that have been 'slammed' in our faces by the *Fengshui* of the country, will be opened before the same pressure."—Same to H. Kopsch, Aug. 6th, 1874.

[50] Dickins and Lane-Poole, "Sir H. Parkes," ii, p. 187.

Tls. 400,000 represented the cost of roads and buildings, constructed by the Japanese and retained for the use of the Chinese government.[51]

§ 13. For this settlement Mr. Wade received unstinted praise from all quarters.[52] Japan was congratulated on having escaped from a conflict for which she was not yet prepared, and into which she had plunged through inadvertence.[53] China was commiserated with.—"How to congratulate China I do not know. . . . I certainly did not expect to find China willing to pay for being invaded." [54] The shrewdest judgment was perhaps that which declared that the features of this episode were those which regulated China's history for the next quarter of a century—"The transaction really sealed the fate of China, in advertising to the world that here was a rich empire which was ready to pay, but not ready to fight." [55] More significant even than this readiness to pay was the facile abandonment of the Liuchiu Islands, which had paid tribute for five centuries—a prelude to the successive lopping off of all the tributary dependencies, one after the other—Annam, Korea, Burma; and, more or less completed, Manchuria, Mongolia and Tibet.

§ 14. In this year the question of the Wusung Bar came up for discussion for the first time. The tidal Hwangpu River, emptying into the tidal estuary of the Yangtze, had, as is common in such cases, an inner and an outer bar. The difficulty of the former, with a low-water depth ranging in different months of the year from 9' to 13' 6", was increased by the fact that it was in the midst of a crossing, cutting diagonally across from one bank to the other. The port of Shanghai in 1874 handled 60 per cent., and in 1902 about 55 per cent., of the whole foreign trade of China; and its merchants demanded the improvement of the approaches to the port to allow the entrance of the

[51] Mr. Wade to Lord Derby, Nov. 16th, 1874, corr. resp. Settlement of the Difficulty between China and Japan in regard to the Island of Formosa. 1875, p. 4; text of agreement, *ibid.*, p. 3.

[52] Prince Kung to Mr. Wade, Nov. 6th, 1874, *ibid.*, p. 2; Wooyemo Kagenori to Lord Derby, London, Feb. 8th, 1875, *ibid.*, p. 6; Cordier, "Relations," i, p. 533; Dickins and Lane-Poole, "Sir H. Parkes," ii, p. 194.

[53] Dickins and Lane-Poole, *loc. cit.*

[54] Sir H. Parkes to Sir D. B. Robertson, Nov. 16th, 1874, *ibid.*, p. 194.

[55] Michie, "The Englishman in China," ii, p. 255.

larger ships which were then despatched to China. This demand became insistent; and, at the close of 1873, the question was taken up by the foreign envoys and brought to the notice of the Chinese government. To all demands the answer was "no," and the question became one of importance. The situation became critical [56]; but the Chinese ministers maintained an attitude even more obstructive than the obstruction of the bar, and the Wusung Bar was dealt with only as a part of the general settlement after the Boxer year, when China was called upon to regulate many outstanding questions.

§ 15. On May 3rd, 1874, occurred the riot on the French settlement at Shanghai. This city, unimportant originally as a Chinese mart, was largely peopled by the natives of other provinces, and among these the men of Ningpo were the most numerous and the most influential. In a central part, but towards the back, of the French settlement they erected their Gild-house, with a mortuary chapel attached for the coffins of the dead deposited in waiting to be sent back to their ancestral homes, and a considerable cemetery for the burial of those too poor to be so sent back. In 1863 the area so covered was included in the extended French settlement [57]; in 1865 roads were planned; in 1870 a map was issued showing the roads so planned; and in December, 1873, the French municipal council decided to lay out and metal certain of the roads. The committee of the Ningpo gild on January 27th, 1874, made representations in very temperate language, pointing out the sanctity of the ground and the enormity of the offence to the minds of all Chinese in disturbing the remains of the dead and disquieting their spirits. The council admitted that the laying out of the roads was not urgent, but it stood out on a

[56] "The matter has been pressed upon the Chinese government for the last two years. . . . Since Feb. 13th I have written three despatches to the prince."—Mr. Wade to Lord Derby, April 3rd, 1874, corr. resp. Woosung Bar, 1874, p. 10.

"The question of the Woosung Bar has been raised and may develop into a *casus* of something very like *belli*."—R. Hart to E. B. Drew, May 6th, 1874.

"The Woosung Bar and some other questions are being agitated, and the Chinese say 'no' to everything; the consequence is that *foreign trouble* may be on us before we know where we are. However, China is like the horses that are good for a long distance—she has lots of 'stay' in her."—Same to E. C. Bowra, May 14th, 1874.

[57] Cf. "Conflict," chap. xviii, § 6.

question of principle and claimed the right to provide elsewhere for the buried dead; the removal a year earlier of the cemetery of sailors of the French navy was cited as a precedent. The gild committee was not moved from its position, and the council maintained its rights; and the matter was discussed at length between the Taotai and the consul. At the end of April much excitement was shown by crowds of Chinese, culminating on May 3rd in a great riot.[58] Many foreign houses were set on fire; many foreigners were in extreme peril, though none were killed; some half dozen were seriously injured, and others slightly [59]; and one English lady was freed from further molestation by the explanation given to the mob that she was not French. In the suppression of the riot seven Chinese were killed and a dozen were known to be under treatment for serious wounds. The suppression was effected by the fire brigade, 200 of the Shanghai volunteers, 78 American and 20 French blue-jackets, and 150 Chinese troops sent by the Taotai.[60] In settlement of the case the French consul undertook that the Ningpo gild-house and its cemetery should be left undisturbed for all time, and this settlement was approved by the envoy [61]; and the action of the municipal council was generally condemned.[62] The settlement was, however, upset in 1898, at a time when China was more helpless than in 1874, and the projected roads were then constructed.

§ 16. The year 1874 was, politically also, a disturbed year for China. In addition to the Formosan difficulty and the pressure of demands by the foreign envoys, she had

[58] The narrative to this point is drawn mainly from the Shanghai Courier of May 4th and later dates, a paper not friendly to the Chinese contention.

[59] Some of the injured rated their injuries at a high value. "Mr. Fisher, with the modesty characteristic of many foreigners in such cases, values his bruised temple and two departed teeth at 10,000 taels."—Mr. G. F. Seward to Mr. Williams, Shanghai, May 11th, 1874, U.S. For. Rel., 1874, p. 258.

[60] Mr. Seward to Mr. Williams, *ubi sup.*

[61] Cordier, "Rélations," i, p. 504.

[62] "But when the native newspapers circulate the story that half a score of their people have been shot or killed in Shanghai for resisting the encroachments of foreigners upon the graves of Chinese buried there, it will strike a sympathetic chord in the hearts of their readers. . . . The arguments and facts will tell against foreigners, and there will be very little opportunity to place either of them in a right light."—Mr. Williams to Mr. Fish, May 30th, 1874, U.S. For. Rel., 1874, p. 257.

the continuing strain of Tso Tsung-tang's campaign in the north-west; and, in August, there was an organised conspiracy for a mutiny of the troops around Tientsin, between twenty and thirty thousand in number, within the jurisdiction and under the command of Li Hung-chang. The projected rising was suppressed promptly and decisively by the viceroy, who did not hesitate to take the necessary heads.[63] The next month Prince Kung was again chastised. He had been degraded from his rank and deprived of his office for the first time in April, 1865, for failing in proper respect and deference to the empresses dowager, and reinstated a month later [64]; the same punishment was again threatened in 1869, when he had procured the execution of the Empress Tzchi's favourite eunuch, An Te-hai [65]; now, on the third occasion, in September, 1874, he was degraded from his hereditary rank, but retained in office, because he interfered to check the peculations by highly placed ministers of the large sums expended for providing palaces for the empresses dowager on their retirement from the regency [66]; on this occasion his reinstatement came the next day, he, presumably, having made prompt reparation to all whom he had injured.[67] Finally, after the death of the Empress Tze-an on April 8th, 1881, the friction between the prince and his imperious mistress Tzchi continued to increase; and three years later, on April 8th, 1884, he was driven from office, but left in his princely rank, on the occasion of the capture by the French of Sontay and Bacninh [68]; this was the cause publicly assigned, "but her Majesty's real reason was that she believed that the prince was intriguing against her with the young Emperor [Kwanghsü], and that he was to some extent responsible for a recent memorial in which several censors had roundly denounced her for depraved morals and boundless extravagance." [69] He was again

[63] North-China Herald, Aug 29th, 1874.

[64] Bland and Backhouse, "China under the Empress Dowager," p. 59.

[65] Ibid., p. 94.

[66] Mr. Williams to Mr. Fish, Sept. 17th, 1874, covering imperial decree of Sept. 10th, U.S. For. Rel., 1875, i, p. 200.

[67] Ibid.

[68] Cordier, "Relations," ii, p. 423; Bland and Backhouse, op. cit., p. 154.

[69] Bland and Backhouse, loc. cit.

restored to his former office in 1894, during the crisis of the war with Japan, and continued in it until his death in 1898.[70]

§ 17. The Emperor Tungchih, not content with the gratifications provided in his own palace, had formed the habit of roaming through Peking with a chosen band of young Manchu nobles ; and in the course of these nocturnal orgies [71] he was attacked by small-pox in December, 1874. His enfeebled frame was unable to resist the disease ; and, on January 12th, 1875, an imperial decree addressed by the empresses dowager to the imperial family (seven princes and one duke), the ministers (3) of the Presence, the ministers (3) of the Grand Council, the comptrollers (7) of the Household, the ministers (3) of the imperial Study, and the ministers (5) of the imperial Library, informed them that his Sacred Majesty had "ascended upon the dragon to be a guest on high." [72] His consort, the Empress Aluteh, was known to be enceinte ; but she very conveniently [73] died on March 27th, [74] before the birth of her child should complicate the situation : if a son, the result might be a palace revolution, or even a national rebellion and civil war.

§ 18. In an Asiatic monarchy right of primogeniture exists, but does not receive unvarying recognition ; and in the Chinese monarchy, both under the Manchus and under preceding dynasties, it was the primary duty of the sovereign to pay fitting homage to the shade of his predecessor, which can only be done by a son or grandson, or by one qualified for adoption as son or grandson. Both these principles were violated on this occasion. The

[70] Bland and Backhouse, p. 157.

[71] "He was mixed up in many a drunken brawl and consorted with the lowest dregs of the Chinese [the southern] city, so that it was no matter for surprise when he contracted the germs of disease which speedily led to his death."—*Ibid.*, p. 120.

[72] Peking Gazette, Jan. 13th, 1875, translated for, and published by, the North-China Herald. Another decree of the same date ordered the degradation of the imperial physicians who had been responsible for the fatal termination of the illness.

[73] "At this period she [the Empress Tzchi] was on bad terms with her colleague and co-regent . . . she hated and mistrusted Prince Kung, and there is hardly a doubt that she had resolved to get rid of the young Empress Aluteh before the birth of her child."—Bland and Backhouse, *op. cit.*, p. 122.

[74] Peking Gazette, March 27th, 1875.

Empress Tzchi provided for all emergencies by placing the palace and its gates under the control of her faithful commander of the body-guard, Junglu [75]; and, in order to overawe any possible Manchu opposition, he was given the command of a large force of Anhwei troops hastily despatched from Tientsin by Li Hung-chang. Immediately after the death of the Emperor, the two ex-regents summoned a council, from which the Empress Aluteh was excluded, as her presence was imperatively required by the side of her lord's body; and at this council the lead was at once, and naturally, taken by the Empress Tzchi. Prince Kung proposed that the throne remain vacant until the birth of Aluteh's child, who, if a son, would succeed by right. It was represented that, with rebellion and disorder in so many parts of the empire, an interregnum was very dangerous; and in this view, while the princes and imperial clansmen were silent, the ministers and grand councillors, Manchu and Chinese, generally concurred. Of the imperial family, only one, Pulun,[76] born just two months before, was duly qualified for adoption as a son of Tungchih; but he was objected to by Tzchi as being the son of one who had entered the direct line only by adoption.[77] The next in the order of succession by right of birth was Tsai-cheng, son of Prince Kung, the sixth son of Taokwang; his nomination was brushed aside, without reason assigned, by Tzchi, who then proposed Tsai-tien, son of Yi-hwan, Prince of Chun, the seventh son of Taokwang. The question was then put to vote; of the princes and clansmen, seven voted for Pu-lun and three for Tsai-cheng; Tsai-tien received fifteen votes, including those of all the councillors and ministers, Manchu and Chinese.[78] A decree was then issued [79] declaring that

[75] Cf. chap. iii, §§ 7, 10.

[76] Prince Pulun was the imperial commissioner to the Louisiana Purchase Exposition at St. Louis in 1903, and was again passed over for the throne in 1908. His father, Tsai-chih, was adopted as son of Yih-wei, the eldest son of Taokwang; and, in 1854, had been adopted by Hienfeng as his prospective heir in case no son should be born to him.

[77] See genealogical table.

[78] Bland and Backhouse, *op. cit.*, pp. 123, seq. These authors cite no authorities, but their graphic narrative is in general accord with the present author's own recollection of the time, and with all he has read on the subject.

[79] Peking Gazette, Jan. 13th, 1875.

Tsai-tien [80] had been "adopted as son of the Emperor Hienfeng, and was to enter upon the inheritance of the great dynastic line as Emperor by succession. When a son shall have been born to the [new] Emperor, he shall be adopted as the inheritor of His Majesty now departed [Tungchih]." Kwanghsü, "Continuation of Splendour," was selected as the title of the new reign.[81]

§ 19. The new Emperor's father was Prince Chun, who was now the Empress Tzchi's most steadfast adherent in the imperial family; and his mother was Tzchi's sister. His accession was fateful for the empire. The consciences of his subjects were stirred to their depths, and "thousands of memorials poured in from the censorate and the provinces, strongly protesting against his selection, as a violation of all ancestral custom and the time-honoured laws of succession" [82]; four years later a censor, Wu Ko-tu, deeply moved by the neglect of worship to the manes of Tungchih, presented an eloquent and strongly worded memorial on the subject, and, to emphasise his protest, presented it on Tungchih's grave, beside which he committed suicide. The new Emperor had no sons, and for thirty-four years the shade of his predecessor had no worship performed to it by any one qualified for the duty. From such dereliction of duty nothing but disaster could be foreshadowed for the empire; but from the adoption and the prolonged regency came one good result. With all her faults, with her reputed disregard for all considerations, moral, ethical and political, Tzchi had a strong and masterful character; and her reassumption [83] of the regency gave to the empire the benefits of the administration of two great rulers, the Empress Tzchi and the iceroy Li Hung-chang.

[80] From this date he was His Sacred Majesty, and this was the last occasion on which his name might be uttered, or its second character written in full, by his subjects. It was decreed, Jan. 13th, that the last stroke of the character should be omitted.

[81] Imperial decree, Jan. 16th, 1875.

[82] Bland and Backhouse, *op. cit.*, p. 129.

[83] Earnestly entreated, Jan. 15th; reluctantly acceded to, Jan. 22nd; functions exercised, Jan. 12th.

†s.p. 1. Mien-mu.

2. Mien-ning (TAO-KWANG, 1821-50)	6. Yi-wei, Prince of Yin-che	(T'ai-chih, adopted)	31. Pu x†
	7. Yi-kung. †s.p.		32. Pu-lun (born, Nov. 1874).
	8. Yi-chi. †s.p.		
	9. Yi-chu (HIENTFENG, 1851-61)	{ 19. T'ai-chun (TUNGCHIH, 1862-74). 20. T'ai-tien, No. 22, adopted)	
	10. Yi-tsung (adopted as son of No. 3).	{ 20. T'ai-cheng (born, 1856). 21. T'ai-yung (adopted as son of No. 13).	
	11. Yi-sin, Prince of Kung	{ 22. T'ai-tien (KWANGHSÜ, 1875-1908). 23. T'ai-feng	{ Pu-yi (born, Feb, 1903, HsüANTUNG, 1908-12).
	12. Yi-hwan, Prince of Chun	(T'ai-yung, No. 21, adopted).	
	13. Yi-ho, Prince of Chung	24. T'ai-shu.	
	14. Yi-hwei, Prince of Fu	{ 25. T'ai-lien. 26. T'ai-yi (adopted as son of No. 15). 27. T'ai-lan.	
	(Yi-tsung, No. 10, adopted)	28. T'ai-yung.	
3. Mien-kai, Prince of Tun	15. Yi-chih, Prince of Jui-min	(T'ai-yi, No. 26, adopted, Prince T'wan)	{ 33. Pu-chün.*
4. Mien-sin, Prince of Hwai	16. Yi-siang.		
5. Mien-yü, Prince of Hwei	17. Yi-sün.		
	18. Yi-mo.		

* Born, Jan. 2nd, 1886. Adopted, Jan., 1900, as posthumous heir to Emperor Tungchih; deposed from heirship, Nov. 1901. (18. 11-mo.

CHAPTER XIV

THE CHEFOO CONVENTION, 1876

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§ 1. To obtain access to the wealth of the Chinese empire has been the aim of Western nations for many centuries. The silks of China were carried to imperial Rome over the long caravan route by Turkestan and the Caspian Sea to the ports of the Euxine, thence by the Bosphorus into the Mediterranean. In the middle ages

Venice and Genoa schemed and fought for the control of this traffic at its western end; while the cities of the Hansa diverted a portion of it north-west from the Euxine to the Baltic, the principal depôt in that sea being at Wisby. In the seventh century of our era the Saracens opened a trade by sea from Canton to the Red Sea, and the products carried by this route were distributed from Alexandria by the merchants of the Italian cities. After the establishment of the Turkish power in the fifteenth and sixteenth centuries had blocked the trade outlets at Constantinople, Trebizond and Alexandria, the traders of western Europe were driven to look to the ocean for a route to Cathay and the Indies; and, while Columbus sought to reach the Indies by the west, Vasco da Gama in 1497 found a way thither by the east, and in 1517 Portuguese ships arrived at Canton. In later years the tea of China was carried to Russia by caravans, taking at first the route north-west from Sianfu, then north-east from Tientsin through Shanhaikwan, and subsequently, until the construction of the trans-Siberian railway, north-west from Tientsin to Kiakhta.

§ 2. These routes tapped the rich lower levels of the empire; but Western traders have long had in view the problem of reaching the more mountainous parts of south-western China, comprising the three provinces of Szechwan, Yunnan and Kweichow. These three provinces, with an area of between 400,000 and 450,000 square miles, contain considerable actual riches, while their possibilities in mineral wealth are even greater. Szechwan is described [1] as "made up of masses of mountains, through which the Yangtze has cut its deep and narrow channel, and which is everywhere cut up by steep-sided valleys and ravines." Yunnan is "an elevated broken plateau having an average height of about 5000 feet, but this plateau is so broken up that the plains cannot be discerned, and the mountains are the most distinguishing feature; the waterways are unavailable for transport within the province, acting with their deep valleys rather as barriers to trade." [2] Yunnan is bordered by the Yangtze on the north, but the course of all its rivers is to the south. Kweichow slopes from the

[1] H. B. Morse, "The Trade and Administration of China," p. 227.

[2] Ibid., p. 272.

mountains of Yunnan down to the plains of Hunan and Hupeh; the province approaches close to the Yangtze on the north, but two-thirds of its area is drained to the east and north-east. Szechwan, while accessible from the plateau of Yunnan, once that province is reached, is served mainly by the course of the Yangtze, which provides a route as far up as Suifu, 1600 miles inland from Shanghai, navigable by steamers at all points, except for a distance of one hundred miles immediately above Ichang.

§ 3. The problem of reaching this section otherwise than by the Yangtze, is solved by penetrating Yunnan. For many years the ordinary route has been from Canton up the West River to Poseh, on the western border of Kwangsi, thence by mountain transport into Yunnan. A second route lay through Tongking, up the Red River to Mengtze; the completion of the railway from Haiphong by Mengtze to Yunnanfu has established this as the most important of the various routes. A third route, starting alternatively from Bangkok in Siam, or from Rangoon in Lower Burma, and entering Yunnan by Szemao and Puerh, has been considered but not strongly supported.[3] Of these three, the first is in Chinese hands, the second in French, and the third is too difficult. The attention of English and Indian administrators and traders has, consequently, been directed to the possibility of penetrating Yunnan from Upper Burma by way of the Irrawaddy River. The route now preferred leaves the Irrawaddy at Mandalay, crosses the Salween at the Kunlong ferry, thence proceeds north-east to Talifu, thence east to Yunnanfu; but in 1874 all eyes were turned to the route from Bhamo, at the head of navigation on the Irrawaddy, thence north-east to Tengyueh, thence generally east by Talifu to Yunnanfu. Both of these alternative routes pass through country which is thus described—"The western part [of Yunnan] is covered with mountain chains rising to heights through which the passes are over 8000 feet above the sea, with steep slopes running north and south, the valleys containing rivers with great volumes of water, formed by the rains and melted snows of Himalayan ranges,

[3] The most distinguished champions of this route were Mr. Holt Hallett and Mr. Archibald R. Colquhoun; it was proposed by them in 1882.

rushing down through rocky beds which themselves are several thousand feet above the level of the sea.”[4]

§ 4. To explore the country traversed by the route from Bhamo, the government of British India in 1868 despatched an expedition under the command of Colonel E. B. Sladen, and in 1874 a second expedition under the command of Colonel Horace A. Browne. With this second expedition were associated Mr. Ney Elias, the explorer of the new course of the Yellow River,[5] and Dr. John Anderson,[6] surgeon and naturalist, and the party included 16 collectors and servants, and an escort of 17 Sikhs and 150 Burmese; all told the expedition, when finally assembled, numbered 198. The British legation at Peking was asked to send passports and to provide an interpreter from the consular service. For this duty Mr. Wade selected Mr. Augustus Raymond Margary, who, then in his twenty-ninth year, had entered the consular service in 1867. Mr. Clement F. R. Allen also joined the party, sent from China by way of Rangoon. Leaving Shanghai on August 22nd, 1874, Mr. Margary proceeded, with six Chinese, by the Yangtze, the Tungting Lake, and up the Yuen River into Kweichow, thence by Kweiyang, Yunnanfu and Talifu to Tengyueh, also called Momein; thence on to Manyün [Manwyne]. Here, close to the Burmese frontier, he accepted for several days the

[4] H. B. Morse, “The Trade and Administration of China,” p. 272. Tengyueh (Momein) is 5540 feet, Talifu 7090 feet, and Yunnanfu 6380 feet above the sea. The highway from Tengyueh to Yunnanfu in approximately 375 miles climbs eight times to passes exceeding 7500 feet, and descends seven times to levels below 5000 feet, the extreme range being from 8730 feet to 2430 feet altitude. These two extremes, too, are within nine miles of each other.—E. C. Baber, Report on Mr. Grosvenor's Mission, China No. 3 (1878), p. 30.

Mr. Colquhoun (“China in Transformation,” p. 113) says of the route from Bhamo that “the physical difficulties are practically insurmountable”; and of the Mandalay-Kunlong route (*ibid.*, p. 114), “the mountain barriers running north and south, between the great rivers, present obstacles of a very serious character.”

Compare Mr. Punch's rendering of Lord Salisbury's opinion of the route:

“I hate those Chinese mountains;
But the things that give me spasms,
Are the rivers all rectangular
That flow through gloomy chasms.”

[5] Cf. a paper read by Mr. Elias, in *Journal of the Royal Geographical Society*, vol. xl, 1870.

[6] Dr. Anderson published, in 1876, “Mandalay to Momein: a Narrative of the two Expeditions to Western China in 1868 and 1875.”

hospitality of "the famous Li Chen-kwo, alias Li Sze or Li Hieh-tai [7], who attacked the Sladen expedition and has been called a brigand and other hard names, [but who has] turned out to be an exceedingly courteous, intelligent and straightforward man; he has done everything to facilitate the advance of the expedition, and treated me [Margary] with unexpected civility." [8] Proceeding further, he crossed the frontier and arrived at Bhamo on January 17th, 1875.

§ 5. The expedition left Bhamo on February 6th, Mr. Ney Elias with a small party going by Maingmaw, Colonel Browne with the main body, accompanied by Mr. Margary, taking the road to Manyün. At Maingmaw Mr. Elias was constrained, on the insistent advice of Li Hieh-tai, to change his route; and, on hearing of later events, he returned to Bhamo on March 2nd. Colonel Browne crossed the frontier on February 18th, and was then warned by a Burmese that an ambuscade was prepared to bar his advance. The next day further warnings were received, and Mr. Margary, taking his own Chinese with him, left to consult with Li Hieh-tai, on whose friendliness he relied; and on the 20th he wrote that the ways were safe. Colonel Browne's party was, on the 22nd, surrounded on three sides by threatening bodies of armed Chinese; he ordered his Sikhs to open fire, and was thus enabled to withdraw, and the force reached Bhamo on the 26th. On the 25th he learned from a Burmese who had accompanied Mr. Margary, that the latter and five of his six Chinese had been treacherously killed on the 21st by a body of armed Chinese. [9]

§ 6. The resistance, in which Mr. Margary's murder was an episode, seems to have been premeditated. The Resident at Mandalay wrote on February 16th that, "according to a report current in the palace, a large body of Chinese was ready to oppose the mission's entrance into

[7] Li Chen-kwo, his name; Li Sze (Li Sze-yeh), Li the fourth son of his father; Li Hieh-tai, Colonel Li.

[8] Mr. Margary to Mr. Wade, Bhamo, Jan. 18th, 1875, corr. resp. the attack on the Indian Expedition to Western China and the Murder of Mr. Margary, 1876, p. 21.

[9] Memorandum by Mr. Wade on the Yunnan Outrage, July 17th, 1875, extracted from the journals and papers of Col. H. Browne and Mr. Ney Elias, *ibid.*, p. 43.

China" [10]; and earlier still, on January 26th, the same intimation was given by a Chinese merchant to the political agent at Bhamo.[11] Warnings to the same effect were given to Colonel Browne during his advance, between February 18th and 22nd; and during his retreat to Bhamo he perused letters from Burmese in Manyün to other Burmese with his force, communicating the news of Mr. Margary's murder, and warning the persons addressed that they "must not be with Colonel Browne on February 23rd, as on the night of that day the foreigners were to be attacked." [12] Another Burmese had heard, on February 16th, of the intended resistance.[13] Pre-meditation is then to be presumed; but who was to be held responsible? Was it the Burmese king at Mandalay, a tributary of the Chinese emperor, held in tutelage by the British, and strongly opposed to the further opening of trade routes? Was it the Chinese authorities of Yunnan, whose government was also opposed to the further opening of trade routes, and had in recent years to resist a too impulsive cry for progress, and to stave off two attempts at treaty revision? Was it the tribes on the frontier, nominally subjected to Chinese domination, but really independent of control, and timorous and easily alarmed at the advance, and the thousand rumours preceding it, of an armed force under the command, not of Burmese, their kinsmen whom they knew, but of the English, whom they did not know, and whom they feared? The responsibility, which was quite possible, of the Burmese king did not come into question, and need not be here considered.

§ 7. The province of Yunnan had been in armed rebellion for nearly twenty years. In 1855 a dispute between miners, Mohammedans and non-Mohammedans, originated a religious war, in the course of which the province was devastated and its population, it is estimated, was reduced from sixteen to no more than six millions. Ruthless slaughter and unrestrained brutality marked the course of the rebellion from its beginning until the surrender of Talifu on January 19th, 1873, when, of 50,000

[10] Memorandum by Mr. Wade on the Yunnan Outrage, July 17th, 1875, extracted from the journals and papers of Col. H. Browne and Mr. Ney Elias, *ibid.*, p. 43.

[11] *Ibid.*

[12] *Ibid.*

[13] *Ibid.*

Mohammedans forming its garrison, 30,000 were put to the sword in a deliberate massacre lasting for three days. Other cities in the power of the Mohammedans then fell in rapid succession, their last stronghold, Tengyueh (Momein), falling on June 10th.[14] The Chinese province of Yunnan was thus pacified and reduced to subjection; but the border tribes, like the autochthonous tribes elsewhere in China, had never been under the entire control of the Chinese authorities, and this was more true of those on the border than of those in the heart of the empire. "On the borders of the province, between the ill-defined frontiers separating the Shans, the Chinese, and the Burmese, there remained still some cantons in which the people, rather savage than rebellious, refused to range themselves under the banner of the Chinese mandarins; but, in order that they might be left in peace, they consented to pay a moderate tribute in kind to the authorities of the districts nearest to them." [15] The border traversed by the expedition was in much the same condition as the border between England and Scotland three hundred years ago, [16] and the uncertainty of life and the risks to trade were well known. Mr. Margary waited for several days at Manyün until "his messenger returned with a guard of forty Burmese to protect him on his way to Bhamo against the wild tribes inhabiting the country he had to traverse," [17] because "the country between the two places is inhabited by wild tribes . . . many of them . . . subject to the Emperor of China." [18] When the expedition under Colonel Browne started from Bhamo, "to protect them against the tribes through whose country they had to pass up to the Chinese frontier, the Burmese government provided a guard of Burmese soldiers" [19]; and this guard of Burmese soldiers was still with them when they were threatened, on February 22nd, on Chinese soil.

[14] E. Roher, "La Province Chinoise de Yunnan," ii, *passim*. The number of those slaughtered at Talifu is more moderately stated by some writers at 5000.

[15] *Ibid.*, ii, p. 190.

[16] Cf. J. Graham, "Condition of the [Scottish] Border at the Union," *passim*.

[17] Memorandum by Mr. Wade, July 17th, 1875, *ubi sup*.

[18] Mr. Wade to Prince Kung, Aug. 20th, 1875, "Murder of Mr. Margary," p. 53.

[19] Memorandum, *ubi sup*.

Moreover it must have been well known to the leaders that, at all times and in all places, a mass of uninformed Asiatics is invariably credulous of rumours and filled with unreasoning fear on the advance towards their country of an armed force, whose intentions are not fully understood. When Mr. Margary was killed, it is significant that, of the Chinese with him, five, natives of eastern provinces, were killed, but the sixth was unmolested, being a native of Yunnan.

§ 8. The Chinese authorities of Yunnan, even in peaceful times, exercised but slight control over the tribes within their own domain, contenting themselves usually with the suppression of clan fights and raids over the tribal borders. Tengyueh, the district city for the scene of these events, had for a score of years been a Mohammedan stronghold, and had, only within eighteen months past, been restored to imperial rule; and to send an armed force, even though its object was peaceful, into so disturbed a district was to impose an undue strain on the friendliness of the Chinese authorities and on their ability to repress disorder, whether premeditated or not. Li Hieh-tai was often referred to as largely responsible for what occurred; he was a borderer, his mother being Burmese, and his name was not to be found in any list of Chinese officials.[20] On the local officials, between Tengyueh and the frontier, lies the onus of clearing themselves. Six weeks earlier the periodic Burmese embassy, bearing tribute for the emperor to Peking, had passed without molestation on the road from Bhamo to Tengyueh; and the immunity of this rich caravan from attack was made the basis of charges against the Chinese wardens of the marches.[21] Above them, however, was the acting viceroy of the provinces of Yunnan and Kweichow, Tsen Yü-ying, and against him was brought the charge of being directly responsible for the attack on the mission and the murder of Mr. Margary.[22] A native of Kwangsi,

[20] Memorandum of Mr. W. C. Hillier's visit to the Tsungli Yamen, May 29th, 1875, "Murder of Mr. Margary," p. 40.

[21] "Certain officials in the Momein jurisdiction have deliberately perpetrated an act of war upon a British mission . . . and under the direction of these same officials, the interpreter of the mission has been killed."—Mr. Wade to Prince Kung, Aug. 21st, 1875, *ibid.*, p. 59.

[22] "But which was the leader in the plot, whether the acting-governor Tsen Yü-ying or the King of Burma, is comparatively unim-

with a strain of aboriginal blood in his veins, the empire owed to him the reconquest of Yunnan, effected by indiscriminate slaughter; and he had been left in supreme command of the province he had conquered. Such a man would not have hesitated to massacre the whole mission to gain any object which he desired; but to suppose that he would have deliberately disregarded the safe-conduct granted by the Tsungli Yamen and so have involved the empire in a needless war, is to demand too much from the most credulous reader. All along this route, Mr. Margary declared, he had been received in the most friendly way,[23] and in a later letter he even "dwelt much on the attention shown him by the acting Governor General Tsen Yü-ying." [24] On no Western theory of government could the viceroy be held accountable; his personal responsibility could only be asserted on the Chinese theory that every administrator is accountable for every act committed within his jurisdiction.[25]

§ 9. Mr. Wade learned of the attack on the mission and the murder of Mr. Margary on March 11th, by a telegram of March 4th from the India Office in London; and on March 19th he formulated his demands as follows:

"1. The Chinese government to send a commission of investigation, the inquiry to be conducted in the presence of British officers.

"2. The Indian government to be allowed to send a second expedition.

"3. The sum of Tls. 150,000 to be placed in Mr. Wade's hands, subject to future disposition.

"4. The 'privileges' secured to the British envoy by Art. IV of the treaty of 1858 to be so interpreted as to give a fitting and satisfactory audience of the emperor.

portant; suffice it that her Majesty's minister fixed, on grounds which satisfied himself, though of course on inferential evidence only, the instigation of the crime on the Governor General Tsen Yü-ying."—Michie, "The Englishman in China," ii, p. 270. Cf. also Mr. Wade to Prince Kung, Aug. 20th and 21st, 1875, ubi sup.

[23] "The acting viceroy of Hunan has helped me through with the most thorough hospitality and friendliness. He . . . sent such weighty instructions along the route that all the mandarins [one exception noted] have felt constrained to show me every respect and the highest honours. I have had most successful interviews, and met with kindness and civility throughout. . . . A very appreciative disposition exists towards the English."—Mr. Margary to Mr. Wade, Bhamo, Jan. 18th, 1875, ubi sup.

[24] Mr. Wade to Prince Kung, Aug. 20th, 1875, ubi sup.

[25] "Conflict," chap. v, §§ 39, 41; "The Trade and Administration of China," p. 55; Jernigan, "China in Law and Commerce," p. 76; Michie, "The Englishman in China," ii, p. 271.

"5. Arrangements were to be made to give effect to the treaty stipulations 'by which the freedom of British trade from all imposts over and above the tariff and half tariff duty is secured.'

"6. 'All claims arising out of the action of the officials' were to be satisfied at once." [26]

Mr. Wade telegraphed to London on March 24th, giving the first three of these demands; and in reply was informed that the government approved the first two, but suspended judgment on the third. [27]

§ 10. The first three of these demands were directly connected with the outrage, and to them the Chinese ministers made no objection. They admitted, in full agreement with Mr. Wade, the seriousness of what had happened, and, on March 21st, an imperial decree ordered a full investigation and report by the acting viceroy, Tsen Yü-ying [28]; to this Mr. Wade objected, as he "regarded the presence of a British officer at the investigation as indispensable." [29] To the second demand they demurred on the ground that "the original understanding [with reference to Colonel Browne's mission] was that the purpose in view was travel," and that trade with the province of Yunnan was not provided for by any treaty. They accepted in principle the demand for an indemnity, a verbal explanation having been given to them that Tls. 30,000 was indemnity for the murder of Mr. Margary, Tls. 30,000 to cover other claims, and Tls. 90,000 to be held subject to later decision. They declined to reopen the audience procedure, which had been settled in 1873; and they refused to associate with this question either the subject of treaty revision or the claims then pending arising out of the action of officials in the provinces. [30] After further consideration the task of investigation was committed to Li Han-chang, Wuchang viceroys; and on the British side it was to be supervised by Mr. T. G. Grosvenor, secretary of legation, with whom were associated Mr. A. Davenport and Mr. E. C. Baber, of the consular service. At the same time passports were issued for a

[26] Memorandum forwarded by Mr. Wade to the Tsungli Yamen, March 19th, 1875, "Murder of Mr. Margary," p. 6.

[27] Lord Derby to Mr. Wade, April 16th, 1875, *ibid.*, p. 1.

[28] Prince Kung to Mr. Wade, March 22nd, 1875, *ibid.*, p. 8.

[29] Mr. Wade to Prince Kung, March 22nd, 1875, *ibid.*, p. 8.

[30] Tsungli Yamen to Mr. Wade, March 22nd, 1875, *ibid.*, p. 7.

second expedition from India.[31] From the outset it was manifest that the Chinese ministers had learned the lesson of the Formosa question, and they showed no disposition to renounce their authority over the frontier tribes.[32]

§ 11. The Chinese ministers had tried at first to evade the unwelcome requirement that a British officer should be present at the investigation; but they soon yielded the point readily and gracefully, and the concession produced a good effect.[33] Mr. Grosvenor started on his mission, and, on his arrival at Hankow on July 7th, had an interview with the viceroy, Li Han-chang, at which the latter expressed himself as desirous of settling the question of Mr. Margary's murder, but disclaimed all knowledge of the attack on the mission.[34] At this stage Mr. Wade began to demand "such guarantees as . . . are sufficient to prove that the Chinese government is not trifling with this question," before he would allow Mr. Grosvenor to proceed further [35]; but it has also been suggested that he feared lest Mr. Grosvenor and his companions might be held as hostages if the British government should adopt coercive measures to support its demands.[36] In fact, at this time Mr. Wade suddenly revived the extraneous demands to be laid before the Chinese ministers.[37] For whatever cause it may have been, the mission of inquiry was delayed and left Hankow on November 5th, and, ascending the Yangtze by Chungking, arrived at Yunnanfu on March 6th, 1876; leaving again on March 25th, it arrived at Tengyueh on May 3rd, and left by Bhamo. The practical result of the inquiry which was held at Yunnanfu

[31] Mr. Wade to Prince Kung, March 30th; Prince Kung to Mr. Wade, March 30th; same to same, June 19th, 1875; *ibid.*, pp. 19, 20, 42.

[32] Mr. Avery to Mr. Fish, June 1st, 1875, U.S. For. Rel., 1875, i, p. 336.

[33] "The securing of this concession is an important precedent for future cases, which is valuable to all foreigners in the empire, and which cannot fail to have a wholesome effect on the provincial officials generally, who have been left too much to their own discretion in their dealings with foreigners."—Same to same, April 1st, 1875, *ibid.*, p. 310.

[34] Mr. Grosvenor to Mr. Wade, Hankow, July 9th, 1875, "Murder of Mr. Margary," p. 41.

[35] Memorandum for the information of the Grand Secretary Li [Li Hung-chang], Aug. 11th, 1875, *ibid.*, p. 50.

[36] Michie, "The Englishman in China," ii, p. 273.

[37] Memorandum for Li Hung-chang, *ubi sup.* Cf. *postea*, § 14.

on March 20th, was what might have been expected, that is to say, that it was insignificant, resembling in this the investigation into the Tientsin massacre.[38] A subordinate officer was found responsible for having failed to maintain order, and the commission received the "confession of thirteen savages kidnapped to do duty as prisoners at the bar," who did not understand the language of the indictment, "nor did they look in the least like men who were pleading guilty to a capital charge." [39] No other result could have been expected from an inquiry into deeds committed on a lawless borderland, four months' journey distant from the seat of the central government; but Mr. Wade refused to accept it, and continued to press for the personal punishment of the acting viceroy, Tsen Yü-ying, on the ground of his personal responsibility.[40]

§ 12. In 1856 the episode of the *lorcha Arrow* had, in the absence of wise statesmanship in the Chinese, been seized by the British representatives as their opportunity to make other demands, in order that other and greater questions might find their settlement [41]; and the murder of the French missionary Chapdelaine furnished the French government with a ground for joining hands with England in the same object.[42] The renewal of hostilities by China in 1859 resulted in the imposition of further penalties on the empire in the conventions of 1860

[38] Cf. chap. xii, § 19.

"Our efforts, I admit, have not secured to us the legal conviction of any person or persons that we can believe to be really responsible either for the attack on Colonel Browne or for the murder of Mr. Margary. I hardly expected that they would."—Sir T. Wade to Lord Derby, Aug. 5th, 1876, Further corr. resp. murder of Mr. Margary, 1877, p. 51.

"That your mission has contributed little to a judicial solution of the difficulty is no fault of yours."—Sir T. Wade to Mr. Grosvenor, July 15th, 1876, *ibid.*, p. 1.

[39] Michie, "The Englishman in China," *loc. cit.*

"It was evident that the wild people did not realise their situation and understood the linguist [interpreter] with difficulty. . . . Their demeanour was anything but that of criminals who had confessed a capital offence."—Minutes of trial at Yunnanfu, March 20th, 1876 (signed by A. Davenport and E. Colborne Baber), Fur. corr. resp. . . . Margary, 1877, p. 33.

[40] Direct charge first formulated in Mr. Wade to Prince Kung, Aug. 21st, 1875, "Murder of Mr. Margary," 1876, p. 59.

"Such a man [of the character and resoluteness of Tsen Yü-ying] is not to be trifled with. His subordinates trembled at his word . . ." therefore no officer would dare to act as had been the case, unless he felt sure of Tsen's approval.—Sir T. Wade to Lord Derby, Aug. 5th, 1876, *ubi sup.*

[41] Cf. "Conflict," chap. xvi, § 11.

[42] *Ibid.*, chap. xx, § 6.

signed at Peking [43]; and, as a secondary result, Russia obtained an important accession of territory.[44] The Tientsin massacre in 1870 led the French representative to demand the heads of highly placed officials,[45] and, when he did not obtain these, to demand the revision of the tariff rules, and later, in 1872, to demand the revision of the treaty.[46] Mr. Wade followed these precedents. He seized the opportunity provided by an attack on a British delegation and the murder of a British officer to press for a favourable settlement of all outstanding questions between the two governments. These demands were formulated on March 19th [47]; those relating directly to the outrage were telegraphed to London,[48] but, apparently, not those for a settlement of other issues. To the last no further reference was made for five months, but in August they were revived. It is to be assumed, though the fact is not on record, that Mr. Wade was authorised to revive them.

§ 13. This inclusion of extraneous matters was not generally approved by the representatives of the other powers. The French historian stated that "Mr. Wade insisted on other matters which singularly widened the field of the discussion; it was no longer simply a question of reparation for the attack on the Browne mission and the murder of Margary, but the relations of China with foreign powers and the protection of trade were brought up for settlement." [49] The American envoy wrote:

"He [Mr. Wade] also intimated to the Yamen, as he told his associates in the Cuban question, that he should press for a better adjustment of the audience question and of issues connected with the collection of *likin*. In common with my colleagues of Russia, Germany and France, I was anxious to give the English minister the moral support in his demand for redress in the Margary massacre, which would be afforded by withdrawing from consideration of the Cuban [emigration] affair until he could rejoin us; but I was decidedly opposed to complicating the case with other issues which, if it is

[43] Cf. "Conflict," chap. xxvi, §§ 26, 27, 28.

[44] Ibid., chap. xxvi, § 25.

[45] Cf. *antea*, chap. xii, § 17.

[46] Cf. chap. xiii, § 2.

[47] Cf. *antea*, § 9.

[48] Lord Derby to Mr. Wade, April 16th, 1875, "Murder of Mr. Margary," p. 1.

[49] Cordier, "Relations de la Chine," ii, p. 45.

thought necessary to take them up at all, can be better treated separately, on their own merits. This being the opinion of the rest also, Mr. Wade, on our voluntary offer to support him as stated, agreed to divide the issues he had presented.”[50]

Mr. Wade having, for the time, withdrawn his extraneous demands, the other foreign envoys then informed the government that they withdrew from mediation in the Cuban affair,[51] “until the English minister can rejoin them.”[52] The Chinese ministers having accepted Mr. Wade’s demands, thus limited in their scope, the Cuban conferences were re-opened on April 3rd,[53] but were again broken off on June 27th.[54]

§ 14. On August 11th Mr. Wade formulated his definite demands in a memorandum to Li Hung-chang, in which, in addition to those presented in March, and a demand for the trial of Tsen Yü-ying, he required the despatch of an envoy to England to “express the regret of the Chinese government at what had occurred.”[55] To this memorandum a reply was sent by the Tsungli Yamen, which was evasive in its tone, but promised an opportunity to discuss them on Mr. Wade’s return to Peking [56]; and, on August 28th, an imperial decree appointed Li Hung-chang and Ting Jih-chang commissioners to “negotiate respecting the Margary affair.”[57]

§ 15. Mr. Wade had put himself in a position not suited to his character. “Unluckily for the successful prosecution of the demand for the arraignment of the viceroy, [he had become] entangled in a cat’s cradle of negotiations for the revision of the treaty of Tientsin, with which the Yunnan outrage got so mixed up that the different questions could never be, or at any rate never were, separated again.”[58] But his temperament was

[50] Mr. Avery to Mr. Fish, April 1st, 1875, U.S. For. Rel., 1875, i, p. 310.

[51] Cf. chap. viii, §§ 15, 16.

[52] Representatives of Russia, America, Germany and France to Tsungli Yamen, March 23rd, 1875, U.S. For. Rel., 1875, i, p. 310.

[53] Mr. Avery to Mr. Fish, July 7th, 1875, *ibid.*, p. 356.

[54] Representatives of five powers to Tsungli Yamen, June 27th, 1875, *ibid.*, p. 374.

[55] Memorandum for Li Hung-chang, *ubi sup.*

[56] Tsungli Yamen to Mr. Wade, Aug. 22nd, 1875, “Murder of Mr. Margary,” p. 62.

[57] Prince Kung to Mr. Wade, Sept. 2nd, 1875, *ibid.*, p. 63.

[58] Michie, “The Englishman in China,” ii, p. 271.

not suited to the judicious treatment of a situation of such vital interest to himself and the nation he represented. His desire was, naturally, to be in immediate communication with his superior in London, and this he could obtain only at Shanghai, then the end of the telegraph; but, intending to go to Shanghai, he constantly connected his intention with an ultimatum and a threat to haul down his flag. His first demand, in six articles,[59] was presented on March 19th; and his second, reduced to the first three, on March 24th. On the 28th he informed Prince Kung that if his three demands—inquiry, passports for a second mission, and indemnity of Tls. 150,000—were complied with, the British government stood “pledged, when the crime committed in Momein had been punished according to law, to demand no additional reparation”; but if satisfaction to this extent was not granted by the 29th, he would “break off relations with your imperial Highness and withdraw the legation from Peking.”[60] The Chinese ministers accepted all three demands in principle[61]; but later they took occasion to protest against the peremptory tone in which they had been presented.[62]

§ 16. Mr. Wade began his negotiations in March by presenting an ultimatum and threatening to haul down his flag. “After securing compliance with his demands, he left for Shanghai attended by several members of his legation. . . . His departure from Peking, simultaneously with that of several of his secretaries and their families and of a number of other foreigners, was the cause of many exciting rumours among the Chinese.”[63] And this result was natural, for we learn that he “called upon the Foreign Office with his full staff of secretaries and attendants,” and that “this meeting was reported to be rather stormy and electric.”[64] The French historian states that “Mr. Wade returned to Peking on September

[59] Cf. *antea*, § 9.

[60] Mr. Wade to Prince Kung, March 28th, 1875, “Murder of Mr. Margary,” 1876, p. 15.

[61] Prince Kung to Mr. Wade, March 29th and 30th, 1875, *ibid.*, pp. 17, 20.

[62] Same to same, April 14th, 1875, *ibid.*, p. 27.

[63] Mr. Avery to Mr. Fish, May 12th, 1875, U.S. For. Rel., 1875, i, p. 318.

[64] *Ibid.*

14th with the most bellicose intentions. . . . I [the historian] had brought the news . . . that he was going to strike his flag ; it came to nothing, thanks to Mr. Wade's versatile character." [65] A foreign diplomat wrote on September 26th of the warlike tone assumed by Mr. Wade and his legation [66]; and Chunghow, half in earnest, half in jest, declared that " it is impossible to take seriously what Mr. Wade says—now this, now that—to-day yes, to-morrow no. . . . The rages, the sulks, the outbursts in which he indulges leave us unaffected." [67] The most trustworthy witness is, however, Mr. Wade himself.—" One word more. I cannot doubt that much that has fallen from me, in speech, in writing, is in matter or in manner distasteful to the Chinese government. For the manner, for my frequent loss of temper in argument, I put forward no excuse. For the matter, the Chinese government leaves me, in my judgment, little option." [68]

§ 17. Mr. Wade obtained his three demands in March, 1875, and proceeded at once to Shanghai. In May he was in Hankow and in June visited Foochow ; otherwise he spent April to July in Shanghai. He then returned north, and, on August 11th, at an interview with Li Hung-chang at Tientsin, revived his extraneous demands. Li Hung-chang received powers to negotiate with him ; but he declared that he could treat with the imperial administration alone, [69] and, on September 9th, left Tientsin for Peking " with the most bellicose intentions." He then pressed his demands on the government, but was not satisfied with the tone of the Chinese ministers. [70] Again

[65] Cordier, " *Rélations*," ii, p. 50.

[66] *Ibid.*, p. 51.

[67] *Ibid.*, p. 51.

[68] Mr. Wade to Prince Kung, Sept. 24th, 1875, " *Murder of Mr. Margary*," 1876, p. 82.

[69] Mr. Wade to Prince Kung, Aug. 30th ; to Lord Derby, Sept. 9th, 1875 ; *ibid.*, p. 67.

[70] " Coming to the British minister's remark that he had not attached so much importance to the rejection of his proposals as to the tone in which they have been discussed. . . . The British minister observes that ' he has been chiefly influenced by the tone which the ministers have displayed throughout the course of the recent discussions.' Now in respect of every one of the propositions advanced, the Yamen has negotiated in entire sincerity ; yet the British minister, disregarding this fact, addresses his remarks to the ' tone' of the ministers."—Prince Kung to Mr. Wade, Sept. 22nd, 1875, *ibid.*, p. 77.

he presented an ultimatum, demanding satisfactory assurances by September 29th [71]; and only by concession in the last hour of the last day was he restrained from withdrawing the legation and the British communities in the northern ports [72] who would be shut off from protection during the winter. Mr. Wade was thus disarmed, but still felt dissatisfaction; and on October 11th he left for Shanghai, [73] leaving behind him a strong feeling of discontent in the minds of his colleagues, who felt that he was readjusting British relations with China with no consideration for the interests of other powers. [74] He returned to Peking in the spring, and, after protracted discussions, [75] finally struck his flag in June, and went again to Shanghai.

§ 18. Soon after his arrival, in July, 1876, in Shanghai Sir T. Wade [76] wrote to the Foreign Office—"It is currently reported, and generally believed, that the Grand Secretary Li Hung-chang has received an imperial decree directing him to proceed to Chefoo to confer with me; further, that the same decree invests him with more than ordinary powers. If this is true, it may be in my power before many days to inform your Lordship that the Chinese government is prepared to offer terms that, in my opinion, it would not be inexpedient for her Majesty's government to accept"; but, if negotiations were again broken off, then "Her Majesty's government could dictate terms." [77] Sir T. Wade's buoyant hopefulness was justified. Mr. Hart followed him to Shanghai, and conveyed to him the assurance of the imperial government that, if he would go to Chefoo, Li Hung-chang would join him there. He

[71] "The sum of my questions in speech or writing was this: Was I, or was I not, by the evening of the 29th, to receive the assurances I had demanded regarding taxation of trade at the ports and inland, and regarding consideration of the frontier trade in Yunnan? The contention of the ministers, early and late, was that I had already received the very assurances for which I was still pressing."—Mr. Wade to Lord Derby, Oct. 21st, 1875, *ibid.*, p. 89.

[72] *Ibid.*

[73] Mr. Wade to Prince Kung, Oct. 10th, 1875, *ibid.*, p. 98.

[74] M. Butzow to Mr. Wade, Oct. 1st; Cte de Rochechouart to Mr. Wade, Oct. 11th, 1875; Cordier, "Relations," *ii*, pp. 55, 61.

[75] Further corr. resp. . . . murder of Mr. Margary, 1877, *passim*.

[76] Sir Thomas Francis Wade had in November, 1875, been made a Knight Commander of the Order of the Bath.

[77] Sir T. Wade to Lord Derby, Aug. 7th, 1876, Further corr. resp. murder of Mr. Margary, 1877, p. 58.

accordingly left Shanghai the next day, and arrived at Chefoo on August 10th. Li Hung-chang joined him on the 18th. The people of Tientsin made every effort to hold their viceroy back. A deputation of merchants tried to dissuade him; then there was a popular rising, incited by Lady Li,[78] who feared for the safety of her lord; the object of both was to demonstrate that the viceroy's departure would be followed by a massacre of the foreigners at Tientsin. Li brushed all this aside and went; but the day after his arrival in Chefoo he was followed by a deputation of the Tientsin gentry, who came to express their fear lest Li should be seized as hostage by the British naval force then at Talienwan, and to urge his return. Mr. G. Detring, then commissioner of customs at Chefoo, saw the deputation before they landed and told them—"The viceroy is here to decide the issues of peace or war. Peace can only be secured by his staying here. If the result is war, then foreigners will recall the Tientsin massacre, for which no reparation has been made, and will visit on Tientsin their resentment at that failure and this." The deputation returned to Tientsin without seeing the viceroy.[79]

§ 19. The scene was now set for the final act. For China stood forth her great viceroy and negotiator in chief, the Grand Secretary, Li Hung-chang; to advise him he had Mr. Hart, China's counsellor in her international relations during forty years, and Mr. Detring, who was to be the viceroy's trusted adviser for the next twenty years. England had Sir T. Wade, who was at his best at Chefoo, after having shown himself at his worst at Peking; Admiral Ryder, commanding the naval forces on the Chinese station; and Admiral Lambert, commanding the detached squadron. Others, too, found it convenient to spend their summer season at this watering-place with its smooth yellow sands, including the diplomatic representatives of Russia, Germany, America, Spain, France and Austria-

[78] It must be remembered that Li Hung-chang had been created an Earl (cf. chap. v, § 21). On his death he was posthumously promoted to Marquis of the empire.

[79] Personal statements to author by Mr. G. Detring and Mr. W. Cartwright. The author was Mr. Detring's secretary in 1877-78 and in 1883-85. Mr. Cartwright was in 1876 Chinese Secretary at the Inspectorate and accompanied the Inspector General to Chefoo.

Hungary.[80] The negotiations were opened by a refusal by Sir T. Wade to discuss any terms of settlement until the production for trial of Tsen Yü-ying and other Yunnan officials; this was peremptorily refused by the Chinese plenipotentiary.[81] There were then frequent conferences,[82] culminating in one of some length on August 31st, when the questions were practically settled; and on September 1st Sir T. Wade presented a memorandum embodying his final demands.[83] This formed the basis of the settlement which was signed on September 13th, and was ratified by China on September 17th.[84]

§ 20. The Chefoo convention was drawn up in three sections, the first being headed "Settlement of the Yunnan case." Drafts were to be submitted, for the approval of the British minister, of a memorial, an imperial edict, and instructions to all the provinces for the issue of proclamations. Regulations were to be drawn up for the conduct of the frontier trade between Burma and Yunnan. A second mission might be sent from India; and for five

[80] All these foreign officials were guests at a banquet given by Li Hung-chang on Aug. 30th, when the viceroy made a speech, very friendly and pacific in its terms.—Cordier, "Relations," ii, p. 75.

[81] Sir T. Wade to Lord Derby, Sept. 13th, 1876.—Further corr. resp. murder of Mr. Margary, 1877, p. 62.

[82] During these negotiations the viceroy's staff discovered that there had been a leakage somewhere, and that their confidential discussions were known to the British secretary of legation. Not venturing to inform their chief, they consulted Mr. Hart; he saw the viceroy every day, and that evening the following dialogue ensued.

H. Have you a gun-boat here?

Li. Yes.

H. Will you order steam, to sail at daybreak?

Li. Yes. Why?

H. I wish it to take a letter to Tientsin.

Li. Letter to whom?

H. Letter unimportant; bearer important.

Li. (Grasping point.) Who is it? If any of my people is betraying me, off goes his head!

H. While you were still at Tientsin, I sent a message to be delivered verbally by Mr. Macpherson; there were present yourself, Mr. M., and one other; the purport of that message was known at the British legation three days later.

Li. Leave the matter to me.

The person implicated was the son of a minister of state, son-in-law of the viceroy. Personal statement to author by Mr. W. Cartwright.

[83] Sir T. Wade to Lord Derby, Sept. 13th, 1876, *ubi sup.*

[84] Agreement between the Ministers Plenipotentiary of the Governments of Great Britain and China, signed at Chefoo, Sept. 13th, ratified by China, Sept. 17th, 1876.—Treaties, i, p. 299.

years British officers might be stationed at Talifu or some other city in Yunnan. An indemnity of Tls. 200,000 was to be paid for the families of those murdered, for the expenses occasioned by the case, and "on account of claims of British merchants arising out of the action of Chinese officials." Finally an imperial letter expressing regret was to be sent by a mission to London.

§ 21. The second section was headed "Official Inter-course." The Chinese ministers were to invite the foreign legations "to consider with them a code of etiquette, to the end that foreign officials in China, whether at the ports [consuls] or elsewhere [envoys at Peking], may be treated with the same regard as is shown them when serving abroad in other countries, and as would be shown to Chinese agents so serving abroad." The legations were also to be invited to consider "the measures needed for the more effective administration of justice at the ports open to trade"; and it was laid down that mixed cases were to be "tried by the official of the defendant's nationality, the official of the plaintiff's nationality merely attending to watch the proceedings in the interests of justice"; and that, in such cases, "the law administered will be the law of the nationality of the officer trying the case."

§ 22. The third section related to "Trade." In consideration of an undertaking "to allow the ground rented by foreigners at the different ports to be regarded as the area of exemption from likin," the Chinese government agreed to open Ichang, Wuhu, Wenchow and Pakhoi as treaty ports; a consul might be stationed at Chungking, but it was not to be opened to trade, "so long as no steamers have access to the port." Six other places on the Yangtze were also to be opened, not as treaty ports, but as ports of call for steamers. The "foreign settlement area" at each port was to be defined in consultation. It was agreed that arrangements should be made for the simultaneous collection of duty and likin on opium, both being paid on removal from bond. The inland transit trade was to be properly regulated, the term "inland" applying "as much to places on the sea coasts and river shores, as to places in the interior not open to foreign trade"; and a commission was to examine into the so-called "blockade of Hongkong." A separate article

provided for proper protection to a proposed British mission from China through Tibet to India.

§ 23. The Chefoo convention has been much criticised, but hostile criticism is justified only on the ground that England was free to impose her terms, which must be accepted without demur by China. It has been said that Sir T. Wade "found himself cornered," and that "he had to accept the best agreement he could get." [85] The merchants declared that it would "be better to revert to the clear and simple provisions of the treaty of Tientsin, and insist on their being carried out without evasion." [86] Even two years later it was stated that "the experience of nearly two years since the publication of the Chefoo convention has served to prove neither the wisdom nor the usefulness of the document. Examined impartially, and submitted to the test of ordinary reason, it is in fact nothing but a mass of meaningless verbiage." [87] It has, on the other hand, been described as the third stage in the history of China's international relations, ranking next in importance to the treaties of 1842 and 1858 [88]; and this, the non-British view, seems the more reasonable.

§ 24. In all his divagations Sir T. Wade received reasonable support from his own government. This has been denied [89]; but it is on record that, on his requisition, the detached squadron [90] was ordered to Hongkong

[85] Michie, "The Englishman in China," ii, pp. 275, 277.

[86] Ibid., p. 281.

[87] North-China Herald, July 6th, 1878.

[88] Cordier, "Relations," ii, p. 84.

[89] "The fate of the negotiations depended entirely on the probable movement of the Flying Squadron. . . . The foreign ministers who were present had their Intelligence Departments in full activity, and they had a shrewd notion of the limitations of the Flying Squadron, which they were free to communicate to the Chinese plenipotentiary. They were aware that the time, September, 1876, was not opportune for the British government to embark on distant enterprises of indefinite possibilities."—Michie, *op. cit.*, ii, p. 277.

It is to be observed that the only noteworthy political events in England during 1876 were the Midlothian "Bulgarian Atrocities" campaign, which was a protest against an apathetic administration, and the Royal Titles Act, under which the queen assumed the title of Empress of India. Russia declared war on Turkey on April 24th, 1877.

[90] The detached squadron, popularly known as the Flying Squadron, consisted of four fine specimens of full-rigged wooden steam frigates, about the last survivors of the type to be commissioned. During the negotiations they lay at Talienwan, across the Straits from Chefoo; but at the end of the month the author saw them, lying in beautiful array in Chefoo harbour.

in February,[91] and to "Chinese waters" in March [92]; and at the end of June the Admiralty was informed that "Sir T. Wade finds it impossible at present to dispense with the four ships of the detached squadron." [93] With this support he preferred his demand for the trial of Tsen Yü-ying and others; and, on this being rejected, he demanded and obtained all, and more than all, the concessions which he had demanded from time to time during the preceding eighteen months. To obtain some of them he was obliged to make counterbalancing concessions. One provision, most generally objected to, was the limitation of the likin-free area to the actual area of the treaty port; but this was in full accord with the long-established policy of the British government,[94] and was the price paid for the opening of new treaty ports, which was then considered by the foreign merchants to be of great advantage to their trade, and was then held by the Chinese officials to be a corresponding disadvantage to their interests.

§ 25. The other foreign envoys in Peking were as much dissatisfied with Sir T. Wade's settlement at Chefoo, as they had been with his conduct of the preliminary negotiations in Peking.[95] The Russian and German envoys, in particular, objected to the introduction in his convention of the clauses relating to likin and to official intercourse [96]; and the French envoy directed the French consuls, when any question of delimiting the "foreign settlement area" should come up, to reply that they had received no instructions on the subject.[97] Two-thirds of the convention required the assent of all the other powers to its execution; and each of their representatives at once informed the Tsungli Yamen that negotiations to secure that end should be "pursued in the usual manner and that, pending the result, I cannot consent to the abridgement of the existing treaty stipulations." [98]

[91] Lord Derby to Sir T. Wade, Feb. 9th, 1876, Further corr. resp. . . . Mr. Margary, 1876, p. 4.

[92] F.O. to Admiralty, March 15th, 1876, *ibid.*, p. 20.

[93] Same to same, June 29th, 1876, *ibid.*, p. 50.

[94] Cf. chap. vi, §§ 12, 15, 16.

[95] Cf. *antea*, § 16.

[96] Cordier, "Relations," ii, p. 92.

[97] *Ibid.*, p. 94.

[98] Identical notes of ministers of France, Russia, America, Spain and Germany to Tsungli Yamen, Oct. 2nd, 1876, *ibid.*, p. 93.

The British government, too, while it approved in principle of the terms of the settlement, bowed again, as it had in 1870, before the storm of hostile criticism. All the powers took full advantage of the concessions which had been made by China,[99] but ratification of the convention by England was delayed for nine years, until July, 1885.

§ 26. In Li Hung-chang China had found a statesman who saw the real needs of his country, and who was bold enough to surrender small points of pride, if only he could save a colleague from humiliation, and could at the same time have his hands free for negotiation; at Chefoo he did what no Chinese minister before had done and few since—he assumed responsibility and braved the hostility of irreconcilable critics, Chinese and Manchu. Sir T. Wade was a chastened man; he had learned the lesson of eighteen months of tempestuous and unfruitful discussion, and, negotiating now in a different temper, he obtained a settlement which was opposed at the time but has since been generally accepted. But the honours of the occasion were with Mr. Hart. He had inspired the attempted settlement of Sir R. Alcock,[100] which failed; and his was the credit for the present settlement, which went through. Verbally on September 22nd, and in writing on October 6th, 1875, the Tsungli Yamen had instructed him to submit proposals for the “better regulation of commercial relations.” He interpreted his instructions largely, and, on January 23rd,[101] he submitted a memorandum in which he dealt with the three subjects of commercial relations, judicial procedure and administrative measures. A few of his minor suggestions were embodied in the Chefoo convention; but he emphasised three conditions as essential for the adoption of his proposals generally—that

[99] “The yamen . . . was thus enabled to contend that every condition affecting trade that I had required of the Chinese government in the Chefoo agreement had been satisfied, while on our side nothing had been done.”—Sir T. Wade to Lord Granville, June 3rd, 1882, corr. resp. Chefoo Convention, 1882, p. 77.

[100] Cf. chap. x, § 11.

[101] During this interval, in December, 1875, the British government, which had been informed of Mr. Hart's views, took the opportunity of declaring that it “highly appreciated the assistance given by [Mr. Hart] towards the maintenance of friendly relations between Great Britain and China.”—Lord Derby to Sir T. Wade, Dec. 23rd, 1875, “Murder of Mr. Margary,” 1876, p. 106.

they should be (1) suited to the locality, (2) feasible for the customs, and (3) acceptable to all the treaty powers; and some one of these three was certain to block every important proposal. The memorandum deserves perusal in full [102]; it is an important state paper, and the reader will find in it what a Western servant of an Eastern state thought should be the conditions governing the relations between the West and the East, with full recognition of the demands of the West and the needs of the East.

[102] Cf. Appendix D.

CHAPTER XV

SUNDRY EVENTS, 1875-1883

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§ 1. DURING this time of international complications and threats of war, China was passing through a trial much more serious in its effects. In the spring and summer of 1876 the southern maritime provinces were visited by floods, caused by excessive rainfall; in Kwangtung and Fukien the floods were disastrous, causing much destruction of crops; and there were also floods, serious but less destructive, in southern Chekiang, in central Kiangsi, and in central Hunan. Simultaneously there was entire absence of rain generally to the north of the Yangtze,

as far eastward as the borders of Korea; in some large areas both the summer and autumn crops were entirely destroyed, while in others some scanty rain in July, ordinarily a season of heavy rain, permitted sowing for the autumn harvest. As if this were not enough, a plague of locusts, devouring all they crossed, covered nearly the whole of Kiangsu, and a part of Chihli from its southern extremity to the country north of Tientsin. The floods visited five provinces; the locusts devastated parts of three; and the drought destroyed crops and lives in the whole or in parts of nine.[1] In the next year, 1877, the greater part of the nine northern provinces was again the victim of drought, and its accompaniment of locusts,[2] and the condition of the people became desperate.

§ 2. In the provinces visited by floods the loss was limited to the damage caused directly by the floods, and food supplies could be conveyed to the distressed districts without difficulty. In those visited by drought and locusts the distress was much more severe. Some of them, as Kiangsu, western Shantung, Honan and Chihli, were served by inland canals; the deficiency in the rainfall soon diminished their navigability, but even at the worst they furnished a road by which some small supplies could be introduced, and along which the survivors could escape to districts in which they could be maintained. But for Shansi and Shensi there was no such relief. To these provinces the only means of transport was by cart over tracks through a friable soil, always difficult and costly, and doubly so in this time of distress.[3] When the waterways had been partially refilled, it was estimated that it cost nearly £4 a ton to convey food into the districts

[1] Map accompanying Mr. W. F. Mayer's "Report on the Famine in the Northern Provinces of China" (China No. 2, 1878).

[2] "What the locusts have left, the drought and heat are drying up."—Tientsin correspondent of a Shanghai paper, Aug. 12th, cited in London and China Telegraph, Oct. 1st, 1877.

[3] "The province [Shansi] may be described as an accidented plateau, with a steep escarpment on the east, where it rises some 4000 feet from the plain of Chihli. . . . When the great famine of 1877, which more than decimated the province, made it necessary to send supplies of food to Shansi, this route [from Chengtingfu to Taiyuenfu] was naturally selected to meet the urgency of the case; and the result was visible in the piles of grain in bags, the broken carts, and the foundered mules, which strewn the road leading up to the plateau."—H. B. Morse, "The Trade and Administration of China," p. 323.

of Honan in which it was required ; and the cost of carrying it up to the plateau of Shansi was estimated at over £14 a ton,[4] and this must be taken as a measure, not so much of the cost, as of the difficulty, or the impossibility, of carrying relief to the districts which needed it most. The drought lasted until May, 1878, but the famine continued through the summer of that year,[5] and was ended in September, when a fair crop was harvested.[6] It was estimated "on good authority" that, to the spring of 1878, "as many as seven million persons in all are computed to have died in this famine"; and the province of Shansi alone was "said to have lost five million of inhabitants in the last winter" [1877-78][7]. This was in addition to the distress occasioned by the breaking up of homes, by the migration of millions of people, and by the sale of women and children into slavery.[8]

[4] "This grain, constituting a large proportion of the supply which, with immense effort and expenditure, is being transported along the Grand Canal to Tientsin and Peking, and which has been greatly delayed in its progress during the summer [of 1877] through want of water, will probably be discharged at some point near Lintsingchow, not far from the northern border of Shantung, and conveyed thence by cart to the adjacent provinces; but it has lately been stated by officials of the government that the cost of transportation will be four taels a picul."—Report on Famine by W. F. Mayers, Oct. 30th, 1877, *ubi sup.*

"The Peking Gazette of Nov. 13th contains a memorial from Li Hung-chang. . . . The cost of transport to Honan is one tael a picul, and . . . to Shansi about four taels a picul."—Further report by W. F. Mayers, Nov. 17th, 1877 (China No. 4, 1878).

One ton contains 16·8 piculs; but the shih (picul) of tribute rice contains 140 catties, and of these shih the ton contains 12. One ton would cost therefore 48 taels = £14 6s. 6d. at the average exchange of Haikwan taels in 1877.

[5] "A certain quantity of rain has fallen lately in the neighbourhood of Taiyuenfu in Shansi. Only three-tenths of the usual quantity of grain had, however, been sown; and, although better hopes are entertained for Shensi and Honan, it is feared that the famine must still last through another year in Shansi. . . . In the districts [in Shansi] where the distress is most severe, people prey upon each other like wild beasts; and in hundreds, or even thousands, of villages seven-tenths of the population are already dead."—Mr. Hugh Fraser to Lord Salisbury, May 25th, 1878, Further papers resp. Famine (China No. 6, 1878), p. 1.

[6] London and China Telegraph, Sept. 30th, 1878.

[7] Mr. Hugh Fraser to Lord Salisbury, May 10th, 1878, *ubi sup.* The population of Shansi was estimated in 1908 at ten million.—"Trade and Administration of China," p. 226.

[8] "In the Linkiu-hien alone more than 100,000 women and children have been sold, which is known from a register kept in the yamen."—Letter of Père de Marchi, Linkiu, May 24th, 1877, "Report on the Famine," (China No. 2, 1878), p. 11.

The author distributed relief in July, 1878, in Hokienfu, in southern

§ 3. Apart from the distress occasioned by the famine, it seriously impaired the resources of the empire. The country was only just recovering from the anarchy of the Taiping rebellion [9]; and now, in one year, provinces with a population estimated at a hundred millions had been visited by serious floods, and, in two years in succession, provinces with a population estimated at between a hundred and sixty and two hundred millions were more or less seriously affected by the drought and the resulting famine. Half the population of Shansi had been destroyed; some millions more had succumbed in Shensi and Honan; and the total loss of life attributable directly to famine and typhus cannot have fallen much short of ten millions, while, of those who survived the famine, probably twice

Chihli, a district which had not felt the worst pinch of famine, and had therefore been neglected. The following extracts are taken from his diary.

July 3rd. Tuchangyi. The inn-keeper told me that formerly there were many dogs in the village, but now there were none, as they had all been eaten. All the houses had lost all their woodwork.

July 4th. Sheng Taotai [the viceroy's delegate] arrived. I mentioned my instructions to give one tael [6s.] a head as relief; he said that was too much—one tiao [2s.] a head would suffice until the crops were harvested, and we could thus relieve thrice as many.

July 6th. Sheng Taotai informed me that human flesh had certainly been eaten in Shansi, but not in Chihli. Young people, of course, had been sold, especially females, to be taken to the south. . . . The appearance of the children is most horrible—mere bones, with the skin dried on them, pot bellies (their food is weeds and the bark of trees), faces pale and haggard, with staring eyes.

July 7th. Distribution in seven villages. The misery in all was extreme. . . . I had to witness the most trying effects of famine and disease . . . at the end of the work felt quite sick.

July 12th. Sheng Taotai spoke of greater distress in other neighbouring districts, in which relief had already been distributed.

July 14th. Hwaichen, a large market town of 5000 inhabitants, a great proportion of whom are traders who can usually manage to scrape together a few cash; this village has, during the present year, lost 800 from cold, famine and fever, and the fever [typhus] is still prevalent. Families have been completely swept away. . . . Families reported in the register (compiled in May or June) to be six, were found to have lost from three to four in the interval of one or two months; others, reported as three, had become extinct. One family, twelve in May, was reduced in July to four, the eldest a boy of twelve years. One family—a father of 60, three sons from 25 to 40—four gaunt figures; the father died in the act of receiving the relief.

[9] Consequent on the Taiping rebellion the whole of central China was for many years the best unpreserved small-game country in the world. The author can remember the time when, at Shanghai, snipe could be shot in numbers within ten minutes' walk of the heart of the settlement, and pheasant at no great distance.

ten millions had no resources left but their hands and wasted frames. The imperial treasury was in difficulties. Its funds may, in a certain sense, be looked on as supplied by contributions from the provinces; these had been seriously curtailed during the Taiping rebellion, and later by the devastations of the Nienfei and the rising in Yunnan, and can hardly have regained their normal level by 1876; and during the three years before the famine the treasury had been called upon to provide for the Yunnan rebellion, for a rising in south-eastern Manchuria, for Tso Tsung-tang's suppression of the rebellion in Kansu and his reconquest of Turkestan, for the marriage of the emperor Tungchih, for palaces for the empresses dowager on their retirement from the regency, for mausolea for the emperor and his consort Aluteh—and in general to provide for the needs of officials, high and low, who had been deprived of their customary emoluments during twenty years of disorder.

§ 4. The imperial treasury was bankrupt in cash, but the national credit was maintained by the steady refusal of the imperial ministers to pay their way by loans, their borrowings being insignificant in amount during the whole of forty years of stress [10]; and this policy was maintained until it became necessary to provide funds for the heavy war indemnity imposed by the treaty of Shimonoseki in 1895. The provinces were equally distressed in their finances, and the famine drove some of them to wild efforts to borrow. The imperial ministers intervened and, on their instructions, Mr. Hart in March, 1877, warned the commissioners of customs that they were not in any way to co-operate in procuring loans; reference was made to a reported loan of four million taels, another of two and a half million, "and others," and special warning was given against the operations of an official named Hsü; all these loans were stated by the Tsungli Yamen to be without imperial authority, and an intimation to this

[10] China contracted her first imperial loan in 1875-76, for the purposes of Tso Tsung-tang's campaign. It was an 8 per cent. loan issued at par and secured on the customs revenue. £352,700 was issued in 1875, and all taken up in Hongkong and Shanghai; the balance, £274,915, was issued in London in March, 1876. Prospectus in London and China Telegraph, March 20th, 1876. A second imperial loan, for Tls. 5,000,000 at 7 per cent., was issued in Dec. 1877. *Ibid.*, Dec. 17th, 1877.

effect was to be given to bankers and others.[11] Under these conditions it was necessary to furnish relief from the available sources of revenue in the provinces which had escaped in whole or in part, and to remit the taxes in those in which the people were dying.

§ 5. In times of distress the land tax in China always deferred or remitted. There is no record of the remissions in the provinces visited by flood; but in them there was probably some remission, and certainly considerable deferment. In all the northern provinces, those visited by drought, there were considerable remissions in 1876, again in 1877, and in some of them again in 1878. In Shansi an imperial decree of February 10th, 1877, ordered that collection of the land tax for 1876 be deferred until the end of 1877 [12]; with this beginning it may safely be inferred that no land tax was collected for the three years. On this basis it may be estimated that in Honan and Shensi the remission of land tax amounted to the sums due for a year and a half; in Chihli to the sums due from the whole province for half a year; and that remissions in other provinces may have amounted to a million taels in all. On the basis of the sums officially reported to the treasury,[13] the remissions so calculated exceeded eighteen million taels; and, on the same basis of official report, this was more than one-fifth of one year's receipts of the imperial treasury. But an additional charge was laid on the treasury in the grants made for relief of the sufferers. Much was doubtless done by the local officials; but taking only the grants, in money and in grain, made by imperial decree, those recorded in the Peking Gazette to the middle of October, 1877, amounted to Tls. 2,623,644 [14]; the grants in the terrible winter and spring which followed [15] must have been equal in amount, bringing the total grants to a sum over five million taels. The Chinese do not in general contribute for public purposes, but now the

[11] I.G. circular, March 16th, 1877. Also referred to in London and China Telegraph, May 28th, 1877.

[12] Report by W. F. Mayers, Oct. 30th, 1877, *ubi sup.*

[13] Cf. "Trade and Administration," pp. 89, 93.

[14] Mr. Mayers's Report.

[15] "The tale of suffering, in all probability, remains to be greatly enhanced with the approach of winter . . . when the inclemency of the weather will be felt with increased effect among a population enfeebled by a year or more of previous hardships."—*Ibid.*, p. 7.

occasion was exceptional. It is recorded that in one district, to which Tls. 6000 had been sent in government grants to the spring of 1877, the local gentry contributed Tls. 13,000 to the same date for relief of the distressed [16]; and to the same spring of 1877 the Viceroy Li Hung-chang received, chiefly by the sale of official titles and honours, contributions to the amount of Tls. 214,345.[17] These indications at so early a period point to very considerable subscriptions later. The foreign communities in China contributed large sums, the Rev. W. Muirhead being the organiser in Shanghai, and the British consul, Mr. G. Jamieson, in Chefoo. The famine attracted attention in England only at a late date. In February, 1878, the Archbishop of Canterbury summoned a meeting at Lambeth Palace, and a committee was formed to collect subscriptions [18]; at the end of September the lists were closed, the amount received to that date being over £30,000, besides about £10,000 collected by foreign mission societies in the United Kingdom.[19]

§ 6. In the Chefoo convention it was stipulated that a mission of apology should be sent to London. This fitted in with the intention of the Chinese government to establish permanent legations abroad. In the six months from December, 1874, to June, 1875, many memorials from viceroys and governors, including one from Li Hung-chang, were presented to the throne, all urging this step; in one it was stated that the Chinese had been "like men thinking to see with their faces set against a solid wall, and to hear with covered ears"; another pointed out that Western powers adopted this means of strengthening international friendship; and all referred to the success of the mission of Chihkang and Sun, which, in this history, has been labelled the Burlingame mission. The suggestion was approved in an imperial rescript, and orders were given to carry it into effect.[20] When the British representative

[16] Letter of Père de Marchi, *ubi sup.*

[17] Mr. Mayers's Report.

[18] London and China Telegraph, Feb. 25th, 1878.

[19] *Ibid.*, Sept. 30th, 1878. This philanthropy was received with gratitude by the Chinese people. In 1880 they contributed to the Irish Relief Fund, the Chinese in Hongkong subscribing \$22,000, while those in Singapore "also did well."—*Ibid.*, May 15th, 1880.

[20] Mr. Avery to Mr. Fish, July 16th, 1875, U.S. For. Rel., 1875, i, p. 376.

first demanded, in August, 1875, that an envoy should be sent to London,[21] Kwo Sung-tao was designated as minister, and Liu Si-hung as associate; but the British envoy demanded that their departure should be deferred until the questions at issue between the two countries should be regulated, and they did not leave Shanghai until December, 1876. They arrived in London January 21st, 1877, and were received in audience by the queen, and presented their letters of credence and the imperial letter of regret on February 8th, Sir T. Wade being then present.[22]

§ 7. In the year 1878 other permanent legations were established. Kwo Sung-tao was accredited to London and Paris, presenting his credentials to the French President on May 6th, 1878 [23]; he was replaced, in February, 1879, in both legations by Tseng Ki-tse,[24] better known as the Marquis Tseng, in forgetfulness of the fame of his greater father, Tseng Kwo-fan, the first holder of the title.[25] Chen Lan-pin [26] was accredited to Washington and Madrid, and presented his credentials in the former capital on October 28th, 1878; Yung Wing was associate minister. Liu Si-hung was transferred from London to represent China at Berlin, Vienna and The Hague, and presented his credentials at Berlin on November 28th, 1877; he was replaced in May, 1879, by Li Feng-pao. In 1878 also Ho Ta-jen was sent to Tokio, and Chunghow to St. Petersburg, the latter presenting his letters of credence on January 8th/20th, 1879. To his legation in

[21] Cf. chap. xiv, § 14.

[22] London and China Telegraph, Jan. 29th, Feb. 12th, 1877.

[23] Ibid., May 13th, 1878.

[24] Ibid., Feb. 10th, 1879.

[25] The second Marquis Tseng was a distinguished Chinese scholar, and was noted for his calligraphy. In 1881 he was asked by the Hongkong and Shanghai Bank to write the Chinese text for its bank-notes, which thus acquired a distinction wanting to the notes of other banks in China. He also learned to speak English, then a rare accomplishment among high officials.

"You will be amused to know that his only text books in this study were Webster's Unabridged Dictionary, the Bible, and a copy of Watts' Select Hymns, a book used fifty years ago in the churches of our country. As a consequence his idiom is somewhat peculiar."—Mr. Holcombe to Mr. Evarts, Peking, Dec. 5th, 1878, U.S. For. Rel., 1879, p. 208.

For a specimen of his quaint English, and his dainty handwriting in both English and Chinese, cf. W. A. P. Martin, "A Cycle of Cathay," p. 364.

[26] Cf. antea, chap. viii, § 15; "Subjection," chap. xv, § 7.

London Kwo Sung-tao was accompanied by Dr. Halliday Macartney, who had been an actor in the suppression of the Taiping rebellion,[27] and was thereafter director of the arsenal at Nanking; for thirty years, until December, 1905, he was to be the able, loyal, and trusted adviser of each successive Chinese envoy at the London legation.

§ 8. In trade matters, times had been hard. In 1865 a bank, known as the Hongkong and Shanghai Banking Corporation, had been incorporated on something approaching co-operative lines, its shareholders and directors being also its clients. This went through trying times, and before its tenth year it passed its dividends and found its reserve used up. The tide turned, however, and for the second half of 1875 a dividend at the rate of 6 per cent. was again declared.[28] The Chinese, too, were making some small tentative efforts in industrial expansion. In 1874 Mr. James Henderson was commissioned by Li Hung-chang to engage engineers and buy machinery for working coal near Tzechow in southern Chihli, close to the borders of Honan; but the project was dropped, and the plant was utilised for the Kaiping mines, on which work was begun in 1878.[29] In 1873 Tong King-sing organised the China Merchants Steam Navigation Company [30]; the company's report for 1876 showed that its plant was valued at T'ls. 1,822,737, of which T'ls. 685,100 was provided by shares, and the balance by loans from the government.[31] In the spring of 1877 it bought the entire plant and goodwill of an American corporation, the Shanghai

[27] Cf. *antea*, chap. iv, § 19; chap. v, § 8.

Mr. Hart nominated Mr. Macpherson, commissioner of customs at Tientsin, for this post; but Li Hung-chang had no wish to see the customs and its chief too powerful politically, and interposed his veto.

Dr. Macartney was supported by Li Hung-chang and by the Marquis Tseng. Boulger, "Halliday Macartney," pp. 243, 260. He thus secured the backing of both of the Chinese political parties.

[28] The bank's financial position on Dec. 31st, 1875, was—capital paid up, \$5,000,000; reserve, \$100,000.—London and China Telegraph, Feb. 21st, 1876.

On Dec. 31st, 1913, its position was—capital paid up, \$15,000,000; reserve, \$32,650,000. Times, *advt.*

[29] Mr. Avery to Mr. Fish, Dec. 10th, 1874, and Feb. 19th, 1875, U.S. For. Rel., 1875, i, pp. 235, 265.—London and China Telegraph, May 6th, 1878.

[30] In 1873 the entries and clearances of Chinese vessels of foreign type were 344 of 176,017 tons; in 1912 they were 31,594 of 12,873,098 tons.

[31] London and China Telegraph, May 28th, 1877.

Steam Navigation Company [32]; and in 1886 its assets were valued at Tls. 5,349,706,[33] of which Tls. 2,000,000 were provided by shares, Tls. 1,170,222 by government loans, and Tls. 660,742 by loans from banks.

§ 9. The foreign merchants were alert, as is their custom. The "tea race," once sailed by the famous tea clippers, British and American, from Shanghai to London, was now steamed by ocean greyhounds, British only, from Hankow to London. In 1877 the race was between the *Loudon Castle* and the *Gleneagles*. The former left Hankow at 1 a.m. on May 24th, Wusung, May 25th, Singapore, June 2nd, Port Said, June 22nd, and arrived at the Downs July 2nd at 7 p.m.; the *Gleneagles* left Hankow five hours earlier and arrived at the Downs thirty-five hours later.[34] At Shanghai a beginning of production by machinery was attempted, but the Chinese government was obstructive. The Tsungli Yamen maintained in 1881 that "foreigners have no right to engage in manufacturing operations in China," and that, "if they do, goods so manufactured must invariably be exported, and cannot be sold in China"; but against this pretension "the entire diplomatic body" protested.[35] The question arose when an American merchant, Mr. W. S. Wetmore, proposed to form a company to spin yarn from cotton which is produced in large quantities in the country around Shanghai. Silk filatures had already existed in Shanghai for some years without objection, and there were also works, under foreign management, for acids, bricks, flour, leather, ironware, matches and glass; but Mr. Wetmore found that his "proposed enterprise was illegal

[32] The entries and clearances of American shipping in the Chinese ports in 1876 were 3,547 of 2,410,421 tons; and in 1878 were 1018 of 341,942 tons.

	Taels.
[33] Steamers	2,300,000
Hulks and launches	124,000
Wharves, warehouses, offices	1,645,000
Shares in subsidiary companies	922,035
Other assets (debts due, coal, cash, etc.)	358,671
	<u>5,349,706</u>

Personal notes of author, who, in 1885-87, was detached for duty with the company.

[34] London and China Telegraph, July 9th, 1877.

[35] Mr. Holcombe to Mr. Frelinghuysen, April 29th, 1882, U.S. For. Rel., 1882, p. 134.

as being in contravention of a monopoly granted to a Chinese company for the manufacture of cotton cloth." [36] The Chinese position was clearly untenable, but here the matter rested for a time.

§ 10. At Shanghai in 1870 the assessed value of land and buildings in the English and American settlements was Tls. 12,000,000, and in the French settlement Tls. 2,000,000. [37] In 1873 the boundaries of the American settlement of Hongkew were for the first time formally delimited. The boundaries settled were the result of a compromise, running from a point on the Soochow Creek opposite to the Defence Creek north-east about two-thirds of a mile to the [old] rifle butts, thence direct to a point one mile inland on the Yangtzeu Creek, thence south to the Hwangpu River. [38] Postage on letters from Shanghai to England per half-ounce, in 1871 was 30 cents (15 pence) via Brindisi and 32 cents (16 pence) via Marseilles [39]; in 1876 it was reduced to 28 cents (14 pence) by both routes [40]; in 1877 to 16 cents (8 pence) via Brindisi and 12 cents (6 pence) via Marseilles or Southampton [41]; and soon after to a uniform rate of 10 cents (5 pence).

§ 11. The question of the Wusung bar, which had been discussed in 1874, [42] was again raised in 1880. On this occasion the foreign community of Shanghai offered to defray the cost by levying a special tonnage tax on shipping entering the port; but a strenuous opposition was offered by the Tsungli Yamen, it being "well understood that their objection was based on two reasons"—first a dislike of any innovation, second "they regard the bar as a natural defence of Shanghai against war vessels of heavy draught and especially against ironclads." [43] The diplo-

[36] Mr. Young to Mr. Frelinghuysen, Oct. 18th, and Dec. 6th, 1882, U.S. For. Rel., 1883, pp. 129, 152.

[37] North-China Herald, Sept. 22nd, 1870.

In 1905 the assessed value in the English and American settlements was about Tls. 200,000,000, and in the French settlement about Tls. 20,000,000.—"Trade and Administration of China," p. 247.

[38] North-China Herald, Sept. 9th, Nov. 27th, 1873.

[39] Ibid., Feb. 1st, 1871.

[40] London and China Telegraph, June 12th, 1876.

[41] Ibid., April 2nd, 1877.

[42] Cf. chap. xiii, § 14.

[43] Mr. Angell to Mr. Evarts, Nov. 2nd, 1880; same to Mr. Blaine, May 21st, 1881; U.S. For. Rel., 1881, pp. 179, 270.

matic body persisted in its efforts, and in 1882 the Chinese authorities, at their own cost, ordered a steam dredger to be used in removing the "Heaven-sent barrier." [44] The dredger was set to work, but dredging alone was found to be only a palliative measure and the results were small.

§ 12. In 1880 the Page case raised an interesting question, in the jurisdiction of foreign powers over their own nationals. On October 26th a British subject, Edward Page, duly appointed a Chinese revenue officer in the Canton customs, being then on duty in the prevention of smuggling on the Canton river, was involved in circumstances wherein a Chinese lost his life; and on November 5th he was arrested on a charge of manslaughter by the British consul at Canton, Mr. A. R. Hewlett. The trial opened at Canton on February 15th, 1881, before Chief Justice French, judge of the British Supreme Court at Shanghai. The prisoner put in a plea demurring to the jurisdiction of the court on the ground that, on October 26th, he was a servant of the government of China, and was engaged in the performance of his public duty when the act for which he stood indicted was committed; that this act was a part of his duty and had been examined into and approved by the government of China as being lawful; further that there were many precedents in decisions of the British Privy Council that English courts should not notice acts done by British subjects employed by foreign nations, the acts being in harmony with the laws of those nations. The court rejected the plea, declaring that the Privy Council decisions did not apply to countries which had granted extraterritorial jurisdiction. The trial then proceeded, and ultimately on three grounds—first, that proper protection ought to be thrown around one obeying a lawful order; second, that the order was lawful; third, that the Chinese government had chosen to treat the deed as an act of state—and further because it was not fully proved if Page or another had fired the shot, the court ruled that there was no proof that the prisoner had broken the laws of England, and the jury returned a verdict of not guilty. Meantime Mr. Hart had taken steps to have

[44] Mr. Holcombe to Mr. Frelinghuysen, Jan. 21st, 1882; *ibid.*, 1882, p. 120.

an action brought by Page against consul Hewlett for damages for wrongful imprisonment ; but, in view of the result of the trial for manslaughter, the civil suit was abandoned.[45]

§ 13. This case attracted much attention, as did the fact that "on the trial several customs officers, among them one or two Americans, refused as witnesses to give information in their possession on the ground of privilege, maintaining that their information belonged to the Chinese government, and so could not properly be communicated to the court. The judge ruled that they must testify, but did not punish them for persisting in their refusal." [46] This refusal to testify as to public acts was upheld as a general principle [47] ; but there was a disposition to avoid a decision on the principle underlying the charge against Page. Mr. Hart was ready to fight the case at issue, but, to provide for the future, he gave instructions that "if any foreign employé of the Chinese customs kills or wounds any person, he shall at once resign his place and report to the consul of his nationality within whose jurisdiction he resides ; if the consul tries and convicts him, his resignation is to be permanent ; if the consul acquits him, or decides that there is no cause for trial, he may resume his official position with full pay during the time since his resignation." [48] The opinion of the diplomatic body was expressed by the American envoy, who wrote that "Mr. Hart, who studiously avoids as a rule all diplomatic embarrassments to the customs service, has made this regulation which will greatly diminish, if not altogether remove, the chances of serious trouble concerning the jurisdiction over foreigners employed under him" ; and he asked for a ruling on the principle involved. [49] The Department of State avoided a decision—"It would be difficult, and indeed inexpedient, to attempt to specify what the precise character of the circumstances should be that would warrant such acquittal by the consul ; each

[45] Abstracted from customs archives. Cf. also Mr. Angell to Mr. Blaine, April 30th, 1881, U.S. For. Rel., 1881, p. 257.

[46] Mr. Angell to Mr. Blaine, *ubi sup.*

[47] *Ibid.*

[48] As summarised in Mr. Angell to Mr. Blaine, June 20th, 1881 ; *ibid.*, p. 278.

[49] *Ibid.*

case must be determined by its own facts and *res gestae*.”[50]

§ 14. On August 12th, 1883, a customs officer, a British subject, named Logan, was playing cards and drinking with two others at Canton, when their attention was drawn to the noise of Chinese “lounging” and chatting on the door-step. The Chinese were ordered off, and, they alleged, beaten, on which they resisted. Logan then rushed into the house, got a rifle, and fired into the crowd, killing a boy and, with the same bullet, dangerously wounding a man. He was brought to trial, found guilty of manslaughter, and sentenced to the maximum penalty for that offence under English law, seven years’ penal servitude.[51] During the days immediately following the occurrence, there was much excitement among the Chinese, kept in check by the prompt action of the viceroy [52]; but public feeling was made more excited by the result of the trial. The people felt that justice had not been done; two men concerned in the affray had been acquitted, and the third, though sentenced to imprisonment, was to be sent off to Hongkong, and, for aught they knew, might there be released. A few days after the trial a Portuguese watchman on the British steamer *Hankow* in Canton kicked a Chinese, who then rolled insensible into the water and was drowned. Two lives had now been lost, and not even one life was to pay the penalty. The people rose and tried to burn the steamer; foiled in this, they then attacked the foreign settlement on Shameen, on which they burned and pillaged a dozen houses. The members of the foreign community protected their own persons; but the arson and plunder continued for five hours, when the mob was driven off by troops sent by the viceroy.[53]

§ 15. The judgment on Logan and his two companions was in accordance with English law, which punishes the intention, but not the result; whereas Chinese legal procedure regulates the punishment by the result and not by the intention, the judicial penalty under Chinese law for

[50] Mr. Hitt to Mr. Angell, Aug. 16th, 1881; *ibid.*, p. 286.

[51] London and China Telegraph, Oct. 1st and 13th, 1883.

[52] Consul Seymour to Mr. Young, Aug. 14th, 1883, U.S. For. Rel., 1883, p. 209.

[53] Same to same, Sept. 10th, 1883, U.S. For. Rel., 1884, p. 46; London and China Telegraph, Nov. 11th, 1883.

"homicide during an affray, though without any express desire to kill," being death by strangulation.[54] In this case the Western procedure shows badly beside the Chinese. The wanton act of a man inflamed by drink causes the death of one innocent of offence; and the maximum penalty, inflicted on the offender, does not satisfy the sense of justice of the compatriots of the murdered boy. The Canton viceroy and the Tsungli Yamen both protested against the inadequacy of the punishment.[55] English law could inflict no other penalty; and, because of this powerlessness, the Chinese nation was disturbed—"The air is full of rumours of further and more serious disturbances at Canton; there is much uneasy feeling among the Chinese at other ports, and the situation as a whole is far from reassuring." [56] The customs establishment was responsible for the indiscipline which permitted the occurrence of the homicide. Sir R. Hart [57] did what he could; he reprimanded the responsible superiors, declaring that, "as far as conduct is concerned, there is no such thing as off duty"; and the deputy commissioner, the tide-surveyor and the boat-officer, "the three members of the Canton customs specially charged with the control and supervision of the outdoor staff there," were removed from their posts.[58]

§ 16. Tseng Kwo-fan died in 1872, Wensiang in 1876, and the Eastern Empress, the empress-dowager-consort and co-regent Tze-an, in 1881; but none of these deaths, except possibly that of Wensiang, produced much effect on the international relations of the empire. In 1878 there were some changes in the personnel of the Tsungli Yamen; this body now numbered eleven and included all the members of the Grand Council and most of the presidents of the various ministries; and from this time it must be regarded more as a cabinet than a ministry of foreign affairs.

§ 17. The status of the Liuchiu Islands again came

[54] Cf. "Conflict," chap. v, §§ 35 seq.

[55] Mr. Young to Mr. Frelinghuysen, Nov. 8th, 1883, U.S. For. Rel. 1884, p. 46.

[56] Ibid.

[57] Sir Robert Hart had been knighted (K.C.M.G.) in 1882; London Gazette, April 18th, 1882.

[58] I.G. circular, Aug. 29th, 1883.

up for discussion. After the settlement of the Formosan difficulty,[59] the Liuchiuan king, mindful of his position between the two millstones, sent envoys with the customary tribute to the imperial court at Peking, their mission coinciding in time with a personal visit of the king to the Japanese sovereign. The Japanese chargé d'affaires at Peking at once protested against this derogation of the suzerainty of his own sovereign; but, when the Tsungli Yamen proposed to open discussion on the matter, he "coolly informed them that he had referred it to his government and would await instructions." [60] The Japanese government declined to allow the question to be discussed in Peking, and it was declared that "the complete jurisdiction of Japan over the islands will be asserted." [61] The question drifted along, a constant source of friction between the two countries; and in 1879 General U. S. Grant, in the course of a tour around the world, was consulted by the Chinese ministers in Tientsin and Peking and by the Japanese ministers in Tokio, and he advised that a partition be determined by a joint commission. [62] In 1880 the matter was discussed at Peking and an agreement reached; but at the last moment the Chinese ministers refused to sign, and the sore remained open; some months' reflection brought wiser counsels, and, in 1881, the Liuchiu Islands were recognised by China to be under the suzerainty of Japan. [63]

§ 18. In the spring of 1876 the German envoy gave notice of "withdrawal" from the treaty made with China [64]; he adopted this method of demanding a

[59] Cf. chap. xiii, §§ 7-13.

[60] Mr. Avery to Mr. Fish, April 8th, 1875, enclosing "Memorandum of statements by Mr. Tei . . . about the presence in Peking of a tribute-bearing embassy from Lewchew," U.S. For. Rel., 1875, i, p. 313.

[61] Same to same, May 30th, 1875, *ibid.*, p. 331.

[62] London and China Telegraph, June 8th, 1881; Memorandum by the Japanese minister Shishido in Mr. Angell to Mr. Evarts, Jan. 25th, 1881, U.S. For. Rel., 1881, p. 229.

The Secretary of State took exception to Mr. Shishido's reference to advice given by "the ex-President of the United States, General Grant," and pointed out that "General Grant travelled simply as a citizen of the United States without representative character or official responsibility."—Mr. Blaine to Mr. Angell, April 4th, 1881, *ibid.*, p. 243.

[63] London and China Telegraph, Aug. 22nd, 1881.

[64] *Ibid.*, April 3rd, 1876; Prince Hohenlohe au Min. des Aff. Étr., Paris, March 22nd, 1876, Cordier, "Relations," ii, p. 148.

revision of the treaty, for which otherwise he must have given notice in 1871.[65] The time was not opportune, as China was then involved in the discussions on the Yunnan case, and the German legation waited; but, on the signing of the Chefoo convention, it joined with the other legations in protesting against an unsatisfactory settlement of several of the questions which were to be taken up [66]; and, on December 1st, Herr von Brandt presented an ultimatum, presenting three specified demands of minor importance.[67] The Tsungli Yamen then resorted to negotiation; and, in the spring of 1877, Herr von Brandt dropped all mention of revision, and began to insist on the exact execution of the provisions of the existing treaty.[68] These initial steps served to bring into discussion the question of likin; and, during the next three years, the battle between likin and transit passes engaged the attention of the legations in Peking. The Chinese authorities in the provinces constantly acted in such a way as to restrict the use of transit passes, with the object of driving inland trade into likin channels, and thereby increasing the provincial revenues; and the legations generally acted together in resisting this tendency.

§ 19. In April, 1878, the Hankow authorities refused to issue transit passes for the conveyance of native produce from Szechwan [69]; when orders were sent from Peking that the passes were to be issued, the Szechwan authorities refused to recognise them [70]; and, when the Szechwan authorities were brought to book, the authorities in Kweichow seized the goods on the ground that the passes freed the produce from the levy of likin in Szechwan and in Hupeh, but not in Kweichow [71]; and the produce was released only on the despatch of fresh orders from Peking.[72] This case, protracted through fifteen months, is typical of many cases occurring during this time, and shows the difficulty experienced by the central administration in

[65] North-Germ. tr. Tientsin, 1861, art. xli.

[66] Cf. chap. xiv, § 25.

[67] Cordier, "Relations," ii, p. 155.

[68] Ibid., p. 158.

[69] Mr. Holcombe to Mr. Evarts, July 6th, 1878, U.S. For. Rel., 1879, p. 181.

[70] Same to same, Nov. 23rd, 1878, *ibid.*, p. 200.

[71] Ibid., March 12th, 1879, *ibid.*, p. 215.

[72] Mr. Seward to Mr. Evarts, June 26th, 1879, *ibid.*, p. 219.

controlling the action of the provincial authorities, and the need for constant vigilance in the legations. In November, 1879, the diplomatic body made joint representations to the Tsungli Yamen, citing twenty categories of illegal exactions on foreign trade; disclaiming any intention to "add to the difficulties of the Chinese government, or to embarrass the working of its financial system"; but demanding redress in accordance with the terms of an imperial decree of September 23rd, "setting forth the harm done by the present state of taxation, and promising inquiry and redress." [73]

§ 20. These notes "invited propositions from the Chinese government, instead of initiating demands" [74]; but that government had no useful proposition to make, and the questions still remained unsettled. In April, 1880, the German envoy submitted to his colleagues a set of regulations for inland transit, which were then sent to the Tsungli Yamen [75]; some objections were made, and this plan was dropped. Sir T. Wade then revived the plan which had originated with Sir R. Alcock, [76] of levying a higher tax on importation, and abolishing all likin on foreign imports; it was understood, from Sir T. Wade's conferences with the Chinese ministers, that they wished to rise the import duty from 5 to $12\frac{1}{2}$ per cent., but "would be willing ultimately to accept a rate intermediate between $7\frac{1}{2}$ and $12\frac{1}{2}$." [77] In December the Tsungli Yamen definitely proposed to "raise the duty on imports from 5 per cent. to $11\frac{1}{2}$ per cent., and to free the goods from all likin and charges of every sort in the interior." [78] The foreign envoys hesitated in view of the want of certainty that the abolition of inland charges

[73] The foreign representatives to the Tsungli Yamen, Nov. 8th, 1879, corr. resp. Agreement . . . signed at Chefoo (China No. 3, 1882), p. 1. These joint notes were signed by the representatives of England, Germany, America, Netherlands, Peru, Italy, Austria-Hungary, Russia, Denmark, Spain, France and Belgium.

[74] Memorandum read by British minister to his colleagues, Nov. 8th, 1879, *ibid.*, p. 9.

[75] Mr. Angell to Mr. Evarts, Nov. 22nd, 1880, U.S. For. Rel., 1881, p. 207.

[76] It is more probable that, both in 1868 and in 1880, the suggestion originated with Mr. Hart.

[77] Mr. Angell to Mr. Evarts, Nov. 30th, 1880, U.S. For. Rel., 1881, p. 210.

[78] Same to same, Jan. 13th, 1881, *ibid.*, p. 224.

would be effective. In September, 1881, the Chinese ministers proposed that the increase be from 5 per cent. to 10 per cent. The foreign envoys were willing to accept the proposition on trial for five years, and to recommend it to their governments, on condition that a joint court of reclamation was established to secure to importers the return of any likin or other tax illegally levied, and that some others of the demands formulated in November, 1879, were granted.[79] These requirements indicated that the same objections served to prevent the acceptance of this solution of the question in 1881, as had served in 1869, and were again to serve in 1902; and the proposal fell through. During these three years and more the German negotiations had been interwoven with these various proposals, and they culminated in the signature, on March 31st, 1880, of a "supplementary convention" between the two countries.[80]

§ 21. By this convention, in addition to the ports opened to foreign trade by the Chefoo convention, shipping facilities were accorded by China at Wusung; and, in return, Germany agreed that, when privileges accorded to other powers were claimed under the "most-favoured nation" clause, Germany would also assent to the conditions attached to them. China granted an extension of tonnage-dues privileges; and Germany consented to the appointment of Chinese consuls in German towns. China agreed to the establishment of bonded warehouses; and Germany accepted the full obligation to present ships' manifests imposed by other treaties. China reduced the duty on Chinese coal; and Germany accepted the pilotage regulations. China exempted ships undergoing repairs from the payment of tonnage dues; and Germany agreed that German ships should not use the Chinese flag, nor Chinese ships the German flag. China exempted the materials of ships broken up from import duty; and Germans were required to take out passports for travel inland. China exempted dock materials from duty; and transit passes and passports were to be valid for thirteen months only. Other questions—judicial proceedings in mixed cases, the taxation of foreign merchandise in the

[79] Same to same, Sept. 24th, 1881, *ibid.*, p. 310.

[80] *Treaties*, ii, p. 930.

interior, inland taxes on foreign-owned Chinese produce, intercourse between foreign and Chinese officials—were to become the subject of special negotiations.

§ 22. The German envoy had given notice of withdrawal from the German treaty with China; he had then presented an ultimatum to secure the redress of three unimportant grievances; he had then dropped revision and had begun to insist on the "satisfactory execution" of the provisions of the existing treaty [81]; and had then, with the full support of his colleagues and in co-operation with them, entered on a campaign of diplomacy; and this convention was the result of four years' negotiation. Of all the reciprocal concessions, one only was of any importance—that a privilege granted to one power should be claimed by Germany [other powers] only by accepting the condition attached to its original grant; and for this stipulation China had been contending for years.[82] Besides this China conceded some small customs points, while Germany accepted many other points in which her treaty enabled her to oppose the regulation by the customs of questions affecting foreign trade. One characteristic of the convention is noteworthy; article by article, it specified alternately a "Chinese concession" and the corresponding "German concession." A stay in the imposition of terms on China had been made by Lord Clarendon's declaration in 1868,[83] which had also been accepted by Bismarck for the North-German Confederation [84]; and this general policy was continued until after the war with Japan in 1895.

§ 23. The American commission [85] arrived in Peking in October, 1880. Having obtained the Emigration convention for which they had come, the commissioners were willing to concede to China much of what she wished in commercial matters. In the supplemental treaty, signed November 17th, 1880,[86] the first provision was one prohibiting the opium trade absolutely; in trade matters

[81] Cf. *antea*, § 18.

[82] Cf. chap. xiv, n. 99 and Appendix D.

[83] Cf. chap. ix, § 12.

[84] *Ibid.*, § 13.

[85] Cf. chap. viii, § 18.

[86] Supplemental Treaty between the United States and China concerning Commercial Intercourse and Judicial Procedure, Treaties, i, p. 532.

the American commissioners obtained a magnified most-favoured nation clause; and judicial procedure was regulated on the lines laid down in the Chefoo convention. The prohibition of the opium trade was also incorporated in the treaty negotiated with Brazil, and signed on October 3rd, 1881.[87] It may be conveniently noted here that the treaty with the Congo Free State in 1898, and with Mexico in 1899, completed the tale of China's treaties with foreign powers, eighteen in number.[88]

[87] Treaties, ii, p. 1489.

[88] Treaties, eighteen, were made with nineteen powers, Sweden and Norway having separated after the date of their common treaty with China, signed in 1847.

CHAPTER XVI

RUSSIA AND ILI

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§ 1. CHINA'S outlying possession known as the "New Dominion"—Sinkiang—is an irregular rectangle, between 75° and 94° east long., and between 36° and 45° north lat., bounded on the north by Mongolia, on the east by Kansu and Kokonor, on the south by Tibet, on the south-west by Kashmir, and on the west and north-west by Russian Turkestan.[1] This possession has been held by China for over two thousand years ; held firmly when the central administration was strong, held laxly when the central power was relaxed, and let go in times of confusion. It was held firmly under the earlier emperors of the Han

[1] The positions of the principal cities are as follows :

Kuldja	$43^{\circ} 57' \text{ N.}, 81^{\circ} 12' \text{ E.}$
Urumtsi	$43^{\circ} 47' \text{ N.}, 87^{\circ} 37' \text{ E.}$
Hami	$42^{\circ} 50' \text{ N.}, 93^{\circ} 25' \text{ E.}$
Khotan	$37^{\circ} 8' \text{ N.}, 79^{\circ} 52' \text{ E.}$
Yarkand	$38^{\circ} 22' \text{ N.}, 77^{\circ} 14' \text{ E.}$
Kashgar	$39^{\circ} 30' \text{ N.}, 75^{\circ} 59' \text{ E.}$
Aksu	$41^{\circ} 17' \text{ N.}, 80^{\circ} 25' \text{ E.}$

dynasty (206 B.C.-A.D. 220) and of the Tang dynasty (A.D. 618-906) [2]; and it was held by the Tartar, Mongol and Manchu conquerors and rulers of the Chinese empire; but it has frequently broken away, only to be again subjected to Chinese rule. Conquered in due turn by the arms of Kanghi, on the accession of Yungcheng in 1723 a rebellion was organised by Lopuh, who pushed victoriously as far east as Siningfu in Kansu; and he was finally defeated only after operations conducted through three years. In 1729 a new rebellion was started by Tsening, who defeated the imperial armies at Hami; during three years he maintained his position, but in 1732 he was defeated and fled to Ili. Here he was left undisturbed, and, in 1734, the Altai mountains, in south-western Mongolia, were accepted as the boundary of his principality, under the nominal suzerainty of the emperor. Tsening died in 1745; his death was followed by intertribal wars, centring around Ili, and ultimately composed by the assumption of the khanship by Davatsi. He ruled for nine years, when, in 1754, he was opposed by a rival Amursana. Davatsi was victorious, and Amursana fled to the court of Kienlung, by whom he was received with great honour. The emperor's troops then conquered Ili, which was divided into four subordinate khanates. Amursana rebelled against this partition, but he was defeated and fled into Russian territory, where he died. Having subjected Ili to his rule, the emperor then proceeded to tighten his hold on Turkestan (Kashgaria), the portion of Sinkiang south of the Tien Shan, the mountains of Heaven. Resistance was offered, but in the end Kashgar and Yarkand were taken by assault in 1760, and the Mohammedans of Turkestan were subjected to the direct governance of Peking.[3] In 1825 misgovernment again drove the people of Turkestan to rebellion under Jehangir; he overran the whole country, but the next year he was defeated and was sent a prisoner to Peking, where he was executed.[4]

[2] Apart from the records of Chinese history, Sir M. A. Stein found there dated documents, showing occupation and jurisdiction by China in the first century B.C. and in the first century A.C., and again in the eighth century of our era.—M. Aurel Stein, "Ancient Khotan," Oxford, Clarendon Press, 1905.

[3] J. Macgowan, "Imperial History of China," pp. 541 seq.

[4] Ibid., p. 556. This campaign cost the imperial treasury Tls. 10,000,000.

§ 2. Turkestan (Kashgaria) remained in nominal subjection during the course of the Taiping rebellion; but in 1864 its people again threw off the Chinese yoke. Two years later, in 1866, an unconnected rising in Ili placed that country under an independent Mohammedan government. In Turkestan, south of the Tien Shan, the rebellion was followed by a confused swelter of contending factions, from which, in 1866, Yakub Beg emerged as conqueror and ruler of the western part of the territory, comprising the khanates of Kashgar and Yarkand. A third centre of rebellion, the Dungani tribe, established its power over the eastern part of the Sinkiang, and overran the whole of Kansu, its forces penetrating as far as Shensi and even into Hupeh. The imperial power was at a low ebb as a result of the Taiping rebellion and the subsequent disorders in several parts of the empire; but as soon as men and money could be provided, the Mohammedan ulcer was dealt with, and in 1867 Tso Tsung-tang was charged with the task. A man of "rugged simplicity, sober and frugal in his habits, a strict disciplinarian and much beloved of his soldiers," [5] he combined "consummate generalship" [6] with a policy of punishing rebellious cities by "wholesale massacres and treacherous atrocities." [7] He had learned his terrible lesson in the Taiping rebellion—"If I destroy them not, if I leave root or branch, they may destroy me" [8]; and his duty was to his emperor and the empire.

§ 3. Tso Tsung-tang's campaign began in 1867 at Siangyangfu in Hupeh. Thence he advanced on Sianfu, which he took, and drove the rebel forces from Shensi. Then he entered Kansu, reconquering city after city, and driving the enemy before him, until, in 1870, he came before the walls of Suchow. [9] Here he was stayed and began a siege which lasted nearly three years, during which he subsisted his troops by making them grow

[5] Bland and Backhouse, "China under the Empress Dowager," p. 508.

[6] J. Macgowan, *op. cit.*, p. 589.

"After this splendid campaign, which may be compared with the most brilliant efforts of Western commanders, Tso was ennobled as Marquis."—H. A. Giles, "Chinese Biographical Dictionary, s.v."

[7] Bland and Backhouse, *loc. cit.*

[8] *Ibid.*

[9] 39° 47' N., 98° 35' E.

their own food. Having obtained foreign siege-guns, he captured the city in October, 1873, reducing it to a heap of ruins, and killing men, women and children indiscriminately. This was the last rebel stronghold in Kansu. He then advanced on Barkul and Hami, which he took, putting the entire population to the sword; and he adopted the same measure of pacification at the taking of Manas in November, 1876. At Hami he stayed his progress through the season of 1875, during which he sowed and harvested a crop for the subsistence of his troops. By the capture of Manas the Dungani forces had been eliminated from the scene, and he had come in conflict with Yakub Beg. Over him he gained a victory at Turfan, and a second at Korla; soon after, in May, 1877, Yakub Beg died, either by poison or from disease. The Chinese commander, after Korla, captured in succession Kashgar, Yarkand, and, on January 2nd, 1878, Khotan; by these victories Kashgaria was restored to the imperial rule, with such of its inhabitants as had survived.[10]

§ 4. In 1870 Yakub Beg had made a movement in the direction of Ili, which had not accepted his rule. A vigorous frontier trade between Russia and China had grown up, towards the middle of the nineteenth century, at Kuldja and Tarbagatai [11]; and in 1851 a convention had been signed at Kuldja to regulate it.[12] Now, under the spur of Yakub Beg's move, and concerned for the safety of this trade route, Russia in 1871 moved troops into Kuldja and occupied the territory of Ili; and, at the same time, assurances were given to the Chinese government that the occupation was temporary, and that the territory would be restored to China when the latter was in a position to maintain order in it.[13] Such a restoration of strength to the Chinese administration seemed then improbable, but Tso-Tsung-tang's steady advance soon brought it within the range of actuality; and in July, 1878, immediately after the reconquest of Turkestan, the Russian

[10] J. Macgowan, *op. cit.*; Bland and Backhouse, *op. cit.*

[11] 46° 45' N., 83° 0' E., situated north of Ili, in the extreme southwestern corner of Mongolia.

[12] Cf. "Conflict," chap. xix, § 6.

[13] J. Macgowan, *op. cit.*, p. 589; Boulger, "Halliday Macartney," p. 334; memorandum of Tsungli Yamen, July 20th, 1880, Cordier, "Relations," ii, p. 172.

government was informed that China was now ready to resume her administration of Ili, and that an envoy would be sent to St. Petersburg to arrange the matter.[14]

§ 5. Chunghow, appointed ambassador extraordinary for this purpose, presented his letters of credence at St. Petersburg on January 8th/20th, 1879. His task was apparently simple. Russia had undertaken to restore Ili to China when the conditions had become such as then existed; and China only asked what Russia had already promised. But the Russian grasp was on the territory and Russia was unwilling to relax it. The official Russian contention was that Russia had been only a looker-on at Yakub Beg's rebellion, but one having a vital interest in its effects; that, from 1864 to 1875, China had been too much occupied within her own borders for her to control her outlying possessions, and that, for this reason alone, Russia had occupied Kuldja to maintain order in the Ili territory; but "obviously" this had been done "not as the servant or the concierge of China." [15] On the other side Chunghow was an accomplished gentleman, of an agreeable personality, but he was not a diplomat; and, after nine months of negotiation, the best terms he could obtain were those contained in the treaty of Livadia, signed on September 3rd/15th, 1879, terms which were received with amazement in Europe [16] and with consternation in China. By this treaty the western, the richer and larger, part of Ili was ceded to Russia; the passes through the Tien Shan, especially the Musart Pass traversed by Kienlung's military road from Kuldja to Aksu, were surrendered to Russia; great trading privileges and freedom of movement in western China were accorded to Russians; and, in addition to these concessions, China was to pay five million roubles for expenses of the occupation.[17] Such conditions might be imposed after defeat in war, but never granted as the result of negotiations.

§ 6. Chunghow returned to Peking to find awaiting

[14] Boulger, *op. cit.*, p. 335.

[15] F. Martens, "Le Conflit entre la Russie et la Chine." M. Martens was in questions of international law the official spokesman of the Russian ministry of Foreign Affairs, *e.g.* at the first Hague conference.

[16] Times, Sept. 17th, 1879.

[17] Translation of Chinese text of treaty by Sir T. Wade, summarised in Cordier, "Relations," ii, p. 191.

him an imperial decree of January 3rd, 1880, depriving him of his offices for the offence of returning without an imperial mandate, and ordering the Grand Council to report on his treaty.[18] Chunghow was in a perilous situation; and after many reports, and a full trial by a commission of princes and others,[19] he was condemned to death by decapitation.[20] In some degree this result was felt to be a stroke by the anti-foreign party against a too great friendliness with foreign powers[21]; and all the legations resented the treatment accorded to an ambassador who had tried to solve an international difficulty by the accepted rules of diplomacy, and who was charged, not with treason, but with failure. An imperial commander was still liable to summary execution for the surrender of an imperial fortress,[22] but the Western envoys resented the application of the oriental rule to China's new diplomacy. Supported by their governments, they accordingly protested to the Tsungli Yamen against the decision of the imperial administration in Chunghow's case [23]; but the feeling of the court, the Chinese ministers, and the viceroys in the province, ran high, and the trial was pushed to its result in the condemnation of the ambassador. Russia then moved troops to the disputed territory, forces numbering upwards of 90,000 men being in its vicinity [24]; and, at the psychical moment, in June, 1880, the great queen of England addressed a personal appeal for clemency to the great empress dowager of China.[25]

§ 7. The feeling in China was extremely warlike. Tso Tsung-tang had in the New Dominion a force of sixty thousand troops, veterans welded into a fighting machine by ten years of continuous campaigning, led by officers who, in those ten years, had imbibed much of his own

[18] Cordier, *loc. cit.*

[19] Chunghow, as an imperial clansman, was entitled to this degree of consideration.

[20] Imp. decree, March 3rd, 1880, Cordier, *op. cit.*, ii, p. 207.

[21] M. Patenôtre au ministre des Aff. Étr., Feb. 8th, 1880.—Cordier, *op. cit.*, ii, p. 193.

[22] As in the case of Admiral Ting Ju-chang in 1895.

[23] Simultaneous notes of foreign envoys to Tsungli Yamen, Feb. 6th, 1880, Cordier, *op. cit.*, ii, p. 195.

[24] *Ibid.*, p. 211.

[25] *Ibid.*, p. 212; Boulger, *op. cit.*, p. 341.

martial spirit and military capacity. This force he was "most anxious to use in trying conclusions with the Russians." [26] Among the Manchu rulers of China there was always a large party, ready at all times to resist a diplomatic surrender, and preferring at all times to try the fortunes of war [27]; and the Chinese were commonly less ready than the Manchus to learn when the inevitable must be accepted. [28] Another factor pushing the empire into war was an underlying hope felt by Chinese that a war might relieve them of the domination of the Manchus. [29] It was at this juncture that "Chinese Gordon" was again summoned to the rescue of the empire which he had once before helped to save.

§ 8. Charles George Gordon had left behind him in China a great and honourable reputation, and China now looked to him for help. It was under Li Hung-chang that Gordon had fought, but it was not Li who now summoned him to China. In the spring of 1880 Lord Ripon had been appointed viceroy of India, and he selected Gordon as his private secretary. Rubbed the wrong way by the necessity of being always suave and diplomatic, impatient of red tape, and longing for freedom to say what he thought in the words he preferred, Gordon found his position irksome and resigned his post on June 2nd; and two days later he received a telegram inviting him to Peking: he would there have an opportunity for useful work; he was advised to come and see for himself; and he was assured that the work, the position, and the conditions would all be satisfactory to him. [30] He was desirous of going, and asked for a year's leave; but the government was reluctant to allow him to intervene in

[26] Bland and Backhouse, "Empress Dowager," p. 509. In July, 1879, China was reported as preparing for war to recover Ili; and in February, 1880, as having 30,000 troops concentrated on the frontier. London and China Telegraph, July 22nd, 1879, and Feb. 28th, 1880.

[27] Cf. "Conflict," chaps. x, § 13; xiv, § 11; xxv, § 12.

[28] Ibid., chap. x, n. 97.

[29] "It struck me that the question is not between Russia and China, it is between the Manchus and the Chinese people; the former are on their trial before the people and they scarcely dare give in to Russia. The Chinese people wish for war, in hopes of being rid of the Manchus."—C. G. Gordon to H. Macartney, Nov. 2nd, 1880, Boulger, "Halliday Macartney," p. 347.

[30] R. Hart to C. G. Gordon, telegram, Boulger, "Life of Gordon," ii, p. 49.

the Russo-Chinese question, and the War Office refused the leave. He then left Bombay without the leave, which was, however, sent to him at Ceylon.[31] Arriving at Shanghai he received a letter from Mr. Hart referring to his telegram, and urging him to come on to Peking without stopping at Tientsin to see Li Hung-chang; this first brought to his notice the fact that it was not on the initiative of Li that he had been summoned to China. He could not, however, pass through Tientsin without seeing his old chief, and with him he had a long and confidential talk [32]; moreover, while in Peking, he did not once see Mr. Hart,[33] who had sent him the invitation. He soon saw that his presence could serve no useful purpose, and, on August 9th, he left Peking for England. At Hongkong he was met by a telegram cancelling his leave. Indignant at this condemnation of a mission which he had already voluntarily abandoned, he sent in his resignation; but the War Office apologised and kept him in the service.

§ 9. After seeing Li Hung-chang, and before reaching Peking—i.e. while under the impress of his conference with Li—Gordon wrote that, on the subject of the war, there were three parties, Li, the imperial court, and the literati; the last clamoured for war, and the first two were afraid to oppose them openly.[34] In his advice to Li, and later to the Chinese ministers in Peking, Gordon offered two alternatives. "If you will make war, burn suburbs of Peking, remove the archives and emperor from Peking, put them in centre of country,[35] and fight [a guerilla war] for five years, Russia will not be able to hurt you." [36] His feeling was that China was vulnerable from the proximity of Peking and the court to the sea, as had been exemplified in 1858 and in 1860. As an alternative he declared—"If you want peace, then give up Ili *in toto*, and escape the payment of five million taels [sic, actually roubles]. . . . Ili, if the passes are held by Russia, will never be really Chinese; it has always cost China more

[31] R. Hart to C. G. Gordon, telegram, Boulger, "Life of Gordon," ii, p. 50.

[32] Ibid., p. 55.

[33] "Hart I did not see."—C. G. Gordon to H. Macartney, Nov. 2nd, 1880, *ubi sup.*

[34] Boulger, "Life of Gordon," ii, p. 56.

[35] As in 1900 when the court fled to Sianfu.

[36] C. G. Gordon to H. Macartney, Nov. 2nd, 1880, *ubi sup.*

blood and money than it is worth.”[37] He further summarised the matter—“If the Chinese will fight, then move the emperor; if they will not, then they must make peace”; but he saw clearly that, “if the emperor left Peking for the centre of China, there would be an end of the Manchu dynasty.”[38]

§ 10. The Manchu statesmen and their Chinese colleagues could be trusted to see the danger to the dynasty as well as the English friend whom they had called into their council; and, if war could be undertaken only on these terms, then all thought of war must be abandoned. As a first step Chunghow was reprieved; Queen Victoria’s appeal was doubtless an element in the decision, but it was announced that clemency had been extended to the Manchu noble “in order to show that China does not wish to hurt Russia’s dignity, and does desire continuance of friendly relations.”[39] As a second step the Marquis Tseng, who had been nominated special ambassador to Russia in February, was now ordered to proceed on his mission.

§ 11. An incidental result of the crisis was the introduction of telegraphs into China. Permission to construct a small land line from Amoy to Foochow had been granted in 1874 to the Danish cable company, but the concession was promptly withdrawn when the Russian legation broached the subject of a similar concession for a line from Kiakhta to Peking.[40] Now, only five years later, the Chinese ministers, pleased though they were at being brought into close touch with the Marquis Tseng during his negotiations, were brought to a vivid realisation of the inconvenience caused by the gap from Peking to Shanghai, the end of the cable, which caused a delay of ten days between question and answer.[41] Gordon, while advising strongly against railways, which, he said, had brought

[37] C. G. Gordon to H. Macartney, Nov. 2nd, 1880, *ubi sup.* Cf. also Cordier, “*Rélations*,” ii, p. 216.

[38] C. G. Gordon to H. Macartney, *ubi sup.*

[39] Telegram in London and China Telegraph, July 12th, 1880. Decree actually issued Aug. 12th, in response to a telegram from the Marquis Tseng, then in St. Petersburg.—Cordier, “*Rélations*,” ii, p. 218.

[40] Mr. Avery to Mr. Fish, Jan. 27th and March 19th, 1875, U.S. For. Rel., 1875, i, pp. 260, 278.

[41] Five days for the telegram to go by mail from Shanghai to Peking, and five days back. In winter (Dec. to Feb.) the delay would have been twenty-five days.

Turkey and Egypt to financial and political ruin, urged as strongly the introduction of telegraphs.[42] In November, 1880, on a memorial from Li Hung-chang, an imperial rescript allocated a sum of Tls. 140,000 for the construction of a line from Shanghai to Peking.[43] The work was entrusted to the Great Northern Telegraph Co. (Danish)[44]; material soon began to arrive[45]; and the line from Shanghai to Tientsin was opened on December 1st, 1881,[46] the extension to Peking following soon after. Once adopted, the system was rapidly expanded, and in 1910 there were under the Imperial Chinese Telegraph Administration 560 telegraph offices dotted through 54 degrees of longitude and 30 degrees of latitude[47]; while the system included 45,260 kilometres of aerial line (80,407 K. of aerial wires), 1772 kilometres of submarine cable and 165 kilometres of underground cable.[48]

§ 12. The Marquis Tseng went to St. Petersburg in July, 1880, accompanied by Dr. Macartney and M. Prosper Giquel,[49] and presented his letters of credence, in which the Russian government was informed that Chunghow had departed from his instructions and that the treaty of Livadia could not be ratified, and that the Marquis Tseng had been commissioned to explain the points of difference and to conclude a better arrangement.[50] The Russian government had been advised that its position was vulnerable along the exposed Manchurian frontier, and that success on the Ili frontier was doubtful. The much-advertised opinion given to the Chinese ministers by Gordon had somewhat weakened this salutary state of doubt[51]; but the atmosphere in St. Petersburg still remained favourable to further negotiation. The instructions of the Chinese ministers to their ambassador were

[42] Boulger, "Life of Gordon," ii, p. 56.

[43] London and China Telegraph, Nov. 24th, 1880.

[44] Mr. Angell to Mr. Evarts, Jan. 10th, 1881, U.S. For. Rel., 1881, p. 224.

[45] London and China Telegraph, June 22nd, 1881.

[46] Ibid., Dec. 5th, 1881.

[47] Kashgar, 75° 59' E., Hunchun 130° 15' E., Kiungchow, 19° 57' N., Maimaichen (Kiakhta) 50° 18' N.

[48] "The China Year Book," 1912, p. 213.

[49] London and China Telegraph, July 17th, 1880.

[50] Boulger, "Halliday Macartney," p. 342.

[51] Michie, "The Englishman in China," ii, p. 292.

firm in tone, and on the whole reasonable [52]; but, in the course of negotiations extending over six months, the Chinese ambassador had to contend against conflicting instructions, as the war party or the peace party in turn acquired ascendancy at Peking.[53] He displayed admirable diplomatic powers under these conditions, and the treaty of St. Petersburg was signed on February 12th/24th, 1881.[54]

§ 13. The terms of this treaty may be best summed up in the words of the ambassador's diplomatic adviser :

"They give us back the Tekkes valley and all the passes between Ili and Kashgaria ceded to them by Chunghow; still we shall not, as I fondly hoped we would, get back the whole territory of Ili. A part of that ceded to them by Chunghow will still be retained by them. . . . The lands in other parts of Eastern Turkestan ceded to the Russians . . . will also be restored to us. . . . In the free-trade area which Chunghow opened to Russian commerce, Russian markets are only to enjoy this immunity until the cities shall have so far recovered from the effects of the rebellion as to be able to bear the imposition of a duty. The Russian caravans coming from Eastern Turkestan [are] to be stopped, whereas Chunghow had given them permission to continue their march on through the country to Hankow." [55]

In return the indemnity payable to Russia was increased from five million to nine million metallic roubles.[56]

§ 14. Tso Tsung-tang had pacified Kashgaria with blood and iron; and now Tseng Ki-tse had brought back Ili in peace and with honour; in her history of many centuries, China was accustomed to military victories, but a bloodless diplomatic triumph such as that of the Marquis Tseng was new in her experience. The ministers of the empire were learning their lesson. The country was ready for war—as ready as her rival, on a frontier which was equally distant for both; and, being ready, found that diplomacy was after all the better weapon. But diplomacy

[52] "Yamen's General Observations on Seven Points," Boulger, *op. cit.*, p. 345.

[53] "Since I last wrote you the diplomatic pendulum has oscillated between 'give all' and 'give nothing'; at one time looking as if we would make the most humiliating surrender; at another as if, rather than yield the most insignificant point, we would accept the office of schoolmaster."—H. Macartney to J. D. Campbell, Dec. 30th, 1880, *ibid.*, p. 349.

[54] *Treaties*, i, p. 72.

[55] H. Macartney to J. D. Campbell, *ubi sup.*

[56] *Russ. tr. St. Petersburg, 1881, Art. vi.*

had scored its triumph only because the empire was ready to use armed force effectively. The triumph was beyond doubt. "In Russia he [the Marquis Tseng] came off with flying colours. After an absence of nine years, he returned to Peking to be loaded with honours as the most successful diplomatist China has sent abroad in modern times." [57] A great diplomatist declared, referring to this treaty, that "China has compelled Russia to do what she has never done before, disgorge territory that she had once absorbed." [58] But a French historian, with Tongking (1883-85) in view, has declared that "The treaty signed by the Marquis Tseng resulted in making China arrogant; Russia's backward step had astonished the Chinese; they attributed to intimidation what was only self-interest and foresight, and they jumped from panic to the most outrageous boasting." [59]

[57] W. A. P. Martin, "A Cycle of Cathay," p. 386.

[58] Lord Dufferin [then British ambassador at St. Petersburg] cited in Boulger, "Halliday Macartney," p. 351.

[59] Cordier, "Relations," ii, p. 240.

CHAPTER XVII

FRANCE AND TONGKING

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§ 1. THE policy of China was, in the past, to surround herself by buffer states to form a neutral belt between her own empire and the outer world. Mongolia occupied a special position, being in some respects an integral part of the empire, while in others it was made up of a mass of

petty vassal principalities. The other buffer states were vassals, administering their own affairs without interference, but recognising the over-lordship of the Chinese emperor by the periodic sending of tribute and by the acceptance of investiture on the accession of each new ruler. Apart from the uncertain despatch of envoys to obtain the imperial patent for each new sovereign,[1] the missions bearing tribute were despatched at fixed intervals. Liuchiu sent tribute twice in three years, the last mission being in 1875.[2] Korea sent tribute once in four years, until 1894. Nepal sent tribute once in five years, from 1790 until certainly as late as 1882.[3] Burma sent tribute once in ten years; one such mission was despatched in January, 1875[4]; and in 1886 it was agreed that "the highest authority in Burma shall send the customary decennial missions, the members of the mission to be of Burmese race." [5] Laos sent tribute once in ten years, Sulu once in five years, and Siam once in three years; but the king of Siam formally rejected the obligation in 1882.[6] Annam sent tribute once in four years.[7]

§ 2. Annam had been conquered, and the suzerainty of the emperor asserted, at various times from the period of the Han dynasty. In 1407 the great Ming emperor Yunglo conquered the country and annexed it for the fifth time to China [8]; but twenty years later the incorporation into the empire was annulled, and Annam reverted to the condition of a vassal state. In 1787 rebellion broke out against the king of Annam, and in 1788 Kienlung sent an army to suppress it; but the army was defeated, and in 1789, on the occasion of Kienlung's eightieth birthday, the rebel leader was formally invested at Jehol with the title of king of Annam, in vassalage to the Chinese emperor [9]; but in 1801 the nephew of the dispossessed

[1] Cf. "Conflict," chap. iii, n. 32.

[2] Cf. *antea*, chap. xv, § 17.

[3] London and China Telegraph, Nov. 11th, 1882.

[4] Cf. chap. xiv, § 8.

[5] Brit. conv. relating to Burma and Tibet, 1886, art. i, Treaties, i, p. 314.

[6] London and China Telegraph, Nov. 11th, 1882.

[7] List of tributary states in Ta-tsing Hwei-tien; cf. "Conflict," chap. iii, § 12.

[8] It was then divided into 15 fu, 41 chow and 280 hien; the population was then 31,000,000.—Macgowan, "Imperial History of China," p. 480.

[9] *Ibid.*, p. 551.

king was placed on the throne. From that time until 1884 there is no record that the ruler of Annam failed at any time to request the confirmation of his title or to send tribute, except when the way was blocked by rebellion.

§ 3. On the occasion of the breaking out of the rebellion in 1787, the leader of the royalist forces, the nephew of the king, afterwards, in 1801, himself king under the title of Gialong, sent as his special ambassador to Paris a French missionary bishop *in partibus*, Mgr. Pigneau de Behaine, to implore the aid of France in restoring the dispossessed king to this throne. A treaty for this purpose was signed at Versailles on November 28th, 1787; by it France promised to send an expedition to the king's aid, and, in return, was to have ceded to her the port of Tourane and the island of Pulo Condor.[10] The expedition was not sent, and consequently the cessions were not carried out.[11] During the French Revolution no further attention was paid to the Far East; but after the restoration of the royal power there were a few feeble attempts made to extend French influence in Indo-China. Naval expeditions exacted redress for successive murders of French missionaries in 1843, in 1844, in 1847, in 1851, and finally in 1857. These furnished the desired "opportunity and pretext" [12]; and France and Spain joined hands to enforce their will on Annam, Spain sending a squadron from Manila, and France her forces which had been engaged in the China expedition of 1858.[13] The war continued from September 1858 for three years and a half, and was ended by a treaty signed at Saigon June 5th, 1862. By this treaty [14] Spain obtained nothing except her share in an indemnity of four million dollars,[15] while to France

[10] Text of treaty in Cordier, "Rélations," ii, p. 246.

[11] "Et cette propriété et souveraineté [of Tourane] seront immutablement acquises dès l'instant où les troupes françaises auront occupé l'île susmentionnée."—Tr. 1787, art. iii, *ibid.*, loc. cit.

[12] "Mais il fallait une occasion et un prétexte pour nous faire prendre pied définitivement dans un pays où nos efforts presque séculaires étaient restés sans succès."—Cordier, *op. cit.*, ii, p. 256.

"Le prétexte était bon."—*Ibid.*, ii, p. 257.

[13] The French envoy bearing the ratification of the treaty of 1858 was, when resistance to his passage was offered by the Taku forts in 1859, escorted by one frigate and one gunboat only. Cf. "Conflict," chap. xxv, § 7.

[14] Text in Cordier, "Rélations," ii, p. 257.

[15] Art. viii.

was ceded Saigon and three provinces [*les trois provinces complètes*] in Cochinchina, besides the island of Pulo Condor [16]; and the Annamese king undertook never to cede to any other power than France any part of his dominions.[17] A treaty signed at the same time with Cambodia substituted a French protectorate over that country for that exercised by Siam and Annam; and, in June 1867, "the intrigues and bad faith of Tuduc [king of Annam] compelled [France] to annex to our possessions the three western provinces of Lower Cochinchina." [18]

§ 4. The kingdom of Annam was divided into three parts, Tongking in the north, Annam proper in the middle, and Cochinchina in the south. Of these divisions the southern had now been ceded to France, controlling the outlet of the Mekong river basin. But this river, while serving admirably the trade of the deltaic area of Cochinchina and Cambodia, was full of dangerous rapids in the greater part of its course through twenty-five degrees of latitude; and it failed to provide that route of penetration into south-western China for which traders and administrators were now seeking.[19] Of all such routes, that by the Red River through Tongking is the easiest and commercially the most economical, second only to that by the West River from Canton. The value of the Red River route had long been known to the Chinese; and now its value was brought to the notice of France by a series of bold explorers, of whom it will suffice to mention Francis Garnier, who in 1866 demonstrated the unnavigability of the Mekong, and who thereafter and until 1873 occupied himself with exploring the upper Yangtze and the routes through Yunnan; D. de Lagrée, who died in 1868 while exploring in Yunnan; and Jean Dupuis, who in 1871 entered Yunnan from the north-east, left by the Red River route for Hanoi, the capital of Tongking, and then retraced his steps to the Yangtze. In 1873 Dupuis repeated his journey, and in Yunnan made with the viceroy, then nearly completing his reconquest of the province, a contract for the delivery of arms and salt, for which he was to receive tin and copper; he then con-

[16] Art. iii.

[17] Art. iv.

[18] Cordier, op. cit., ii, p. 261.

[19] Cf. chap. xiv, § 3.

tinued his journey to Hanoi, where the Annamese authorities refused him permission to use the Red River route for transporting his goods to Yunnan. Thereupon he occupied the town of Hanoi with a motley crowd of Chinese and Filipinos, and appealed for help to Admiral Dupré, then Governor General of Cochinchina; and at the same time the king of Annam, Tuduc, sent envoys begging Admiral Dupré to despatch a cruiser "to help the Annamese in expelling this bold Frenchman from their territory." [20]

§ 5. Once again a "good pretext and opportunity" [21] was offered. "It was evidently then that the first idea of the expedition thereupon directed against Tongking, was suggested to Admiral Dupré." [22] He summoned Francis Garnier from the Upper Yangtze and gave him ninety soldiers and two small ships with instructions to proceed to Hanoi and there to "arbitrate the questions at issue, with *carte blanche* as to his procedure." Arriving at Hanoi on November 5th, he tried in vain to obtain a recognition of the French "right" to navigate the Red River; and, on November 20th, he assaulted and took the citadel of Hanoi, and, in the first half of December, the cities of Haiduong, Ninhbinh and Namdinh. On losing Hanoi the Annamese authorities remembered that the kingdom had an overlord, and summoned the "Black Flags" to their aid. They responded at once and came into collision with the French force on December 21st, Garnier being killed in the action. A civil commissaire, M. Philastre, then appeared on the scene, and, on February 6th, 1874, signed a convention by which Hanoi and Garnier's other conquests were restored to the Annamese. France had not then sufficiently recovered from her losses in the war with Germany to justify her in launching on a policy of adventure, and the French forces in Tongking were only a small filibustering band, and M. Philastre's action seems to have been fully warranted; but it has been unreservedly condemned by all French writers. "The Red River

[20] Cordier, *op. cit.*, ii, p. 266. Cf. also F. Garnier, "Voyage d'Exploration en Indo-Chine"; J. Dupuis, "Les Origines de la Question du Tongkin"; J. Dupuis, "Événements du Tongkin, 1872-1873"; J. Dupuis, "La Conquête du Tonkin."

[21] Cf. *antea*, n. 12.

[22] Cordier, *loc. cit.*

evacuated, the French flag torn in pieces at Hanoi, which was restored to the Annamese, Dupuis expelled, the only trace left of the efforts of Garnier and Dupuis was in villages burned, Christians martyred, and forty men left, in a position of some danger, in garrison to hold Haiphong.”[23] But what France had lost in this buccaneering expedition was restored by diplomatic pressure on the king of Annam, resulting in two treaties signed at Saigon, one a “treaty of Peace and Alliance,”[24] signed on March 15th, the other a commercial treaty, signed on August 31st.

§ 6. By the treaty of Peace and Alliance, France recognised the entire independence of Annam *vis-à-vis* any foreign power, and granted to the king the protection of France against foreign aggression and internal disorder [25]; and the king was to receive from France a present of arms and the loan of military instructors.[26] The “full and entire sovereignty” of France over Cochinchina was recognised.[27] Of the indemnities payable under the treaty of 1862, the balance due to France was remitted [28]; the sum due to Spain was to be paid through the French authorities at Saigon,[29] but, if Spain did not accept this treaty, then France would herself pay the money due to Spain, being reimbursed by Annam.[30] Full toleration and many privileges were accorded to the Catholic religion.[31] Extraterritorial privileges were granted to all subjects of France and to foreigners in general [32]; but the authority exercising control and jurisdiction was the “*résident français*.”[33] The city of Hanoi and the ports of Thinnai and Ninhhai were opened to trade and passage was granted by the Red River from the sea to Yunnan,[34] the trade to be conducted under the provisions of the commercial treaty of August 31st.

§ 7. This treaty did not fully satisfy the aspirations

[23] Cordier, *loc. cit.*; J. G. Scott, “France and Tongking,” p. 8.

[24] Text in Cordier, *op. cit.*, ii, p. 268.

[25] Tr. Saigon, 1874, arts. ii, iii.

[26] Art. iv.

[27] Art. v.

[28] Art. vi.

[29] Art. vii.

[30] Art. xxi.

[31] Art. ix.

[32] Arts. xii, xiii, xvi-xix.

[33] Art. xv.

[34] Art. xi.

of patriotic Frenchmen [35]; but, in fact, it constituted a revolution. France was now substituted for China—a King Stork for a King Log—as the overlord of Annam; and her envoy was instructed to communicate the change to China, the third party most vitally interested. At the same time China was asked to suppress the Chinese bands which made a practice of raiding across the border into Tongking, and to open in Yunnan a point of entry for the trade carried by the Red River route.[36] China was then, May 1875, preoccupied with other matters, Mr. Wade having begun to present ultimatums and to strike his flag in connexion with the British right of entry into Yunnan; but Prince Kung replied pointing out that eighteen months before [37] he had already informed M. de Geofroy that Yunnan was not, and could not be, opened to foreign trade. He further declared that Annam had since ancient times been a vassal of China, accustomed to look to China for protection; and that the Chinese bands then in Annam were there at the request of the king and to restore order in the kingdom.[38] This position was maintained in a later note of September 6th [39]; and the French envoy expressed his opinion that China was awaiting the result of the negotiation with England, and that, if privileges were granted for the Bhamo route, they would also be accorded to the Red River route.[40]

§ 8. By the treaty of 1874 the king of Annam had,

[35] "Le traité de 1874 n'était pas un point de départ; il n'était que le résultat d'opinions contradictoires; il ne marquait pas nettement notre suzeraineté; il nous apportait toutes les difficultés d'un protectorat qui n'était pas clairement stipulé, sans nous en donner les avantages; nous acceptions les responsabilités, sans obtenir le bénéfice de la situation acquise."—Cordier, *op. cit.*, p. ii, 275.

"En 1874 la France n'avait imposé à l'Annam qu'un traité tout à fait insuffisant; elle n'avait obtenu aucun avantage politique réel et par suite aucune sécurité pour son commerce dans la région du fleuve Rouge."—E. Driault, "La Question d'Extrême Orient," p. 260.

[36] M. de Rochechouart to Prince Kung, May 25th, 1875, Cordier, *op. cit.*, ii, p. 279.

[37] After the death of Garnier and before the convention of Feb. 6th, 1874; cf. *antea*, § 5.

[38] Prince Kung to M. de Rochechouart, June 15th, 1875, Cordier, *op. cit.*, ii, p. 280.

[39] *Ibid.*, ii, p. 282.

[40] M. de Rochechouart to Duc Decazes, Sept. 15th, 1875, *ibid.*, ii, p. 283.

in effect, transferred his allegiance from China to France, but he made persistent efforts to escape. In 1879 he tried to establish closer relations with the neighbouring kingdom of Siam, but this was prevented by the watchful diplomacy of France.[41] In the same year Tuduc sent a mission to Madrid; and, on January 27th, 1880, a Spanish envoy signed at Hué a new treaty of commerce supplementary to that of 1862. The French government protested, and the court of Madrid withdrew from the position it had taken.[42] In 1881 Don Tiburcio Rodriguez was accredited Spanish envoy to China, Siam and Annam; but the French government protested and he did not present his credentials at Hué.[43] But it was on his secular overlord, the Chinese emperor, that the king's hopes mainly rested. Though he had signed the treaty of 1874, in 1876 he sent envoys with the customary tribute to Peking, and while there the envoys did not visit the French representative.[44] In 1880 envoys were sent again in due course; the king was informed that France would not welcome such a step,[45] but the envoys were sent, and it was rumoured that they were instructed to solicit Chinese aid against French aggression [46]; and, after their long journey by land through the length of China, the mission, which had entered Kwangsi on October 4th, 1880, arrived in Peking June 30th, 1881.

§ 9. It is not to be supposed that the ministers of these oriental potentates, though themselves orientals, waited for the slow progress of this mission from capital to capital. In January, 1880, the Marquis Tseng was instructed to make inquiry in Paris, and was informed by M. de Freycinet that France had no designs on Tongking; and this assurance was repeated in November by President Grévy.

[41] M. de Rochechouart to Duc Decazes, Sept. 15th, 1875, *ibid.*, ii, p. 297.

[42] *Ibid.*, p. 299.

"La diplomatie française eut de la peine à écarter cette concurrence, à faire reconnaître le sens particulier de son traité de 1874."—Driault, *op. cit.*, p. 260.

[43] Cordier, *op. cit.*, ii, p. 318.

[44] *Ibid.*, p. 287.

[45] "Verrait d'un mauvais œil l'envoi d'une mission à Peking."—Ministre de la Marine et des Colonies to Governor of CochinChina, June 5th, 1880, *ibid.*, p. 311.

[46] M. Bourée to M. Barthélemy Saint-Hilaire, Dec. 27th, 1880, *ibid.*, p. 314.

Another inquiry by the Chinese envoy elicited a reply, on December 27th, from the new minister for Foreign Affairs, M. Barthélemy Saint-Hilaire, asserting that, by the treaty of 1874, France had recognised the full independence of Annam. Against this interpretation the Marquis Tseng protested in September, 1881; and, in his reply dated January 1st, 1882, the new minister, M. Gambetta, claimed full liberty of action for France in the affairs of Annam. Representations were again made and, on May 31st, M. de Freycinet, the third successor to himself within eighteen months, now reversed his previous decision and informed the Chinese envoy that he had no explanations to offer to China in matters which concerned only France and Annam.[47] The issue was thus squarely raised. The Marquis Tseng declared that "the question for discussion, whether at Shanghai or at Paris, is that of the suzerain rights of China over Annam"[48]; but these suzerain rights were now contested by France.[49]

§ 10. The "Black Flags"[50] were a band of partisans under the command of Liu Yung-fu; they were not Chinese regular troops, but they had been utilised to maintain China's position along the southern border of Kwangsi and Yunnan; and they had been tolerated under the condition that their operations should occasion no disorder on the Chinese side of the frontier. The force had been largely recruited from the wreckage of the Taiping troops,

[47] M. Bourée to M. Barthélemy Saint-Hilaire, Dec. 27th, 1880, *ibid.*, pp. 315, 331; Boulger, "Halliday Macartney," pp. 358-360.

[48] Interview with Marquis Tseng in "Temps," June 28th, 1883, in Cordier, *op. cit.*, ii, p. 341.

[49] Cordier, "Le Conflit entre la France et la Chine," Paris, 1883, *passim*.

[50] No evil significance must be attached to the term "Black Flags." The French stigmatised Liu Yung-fu and his troops as "pirates," i.e. pirates on the water and dacoits on land; but the term "Black Flag" had no connexion with piracy. The Chinese armies carried flags of all colours. The Manchu "Banners" carried distinguishing ensigns of yellow, white, red and blue; and the Chinese territorial force were soldiers of the "Green Banner." The "volunteers" or "Provincial levies" carried banners of various colours, with a preference for red, usually one banner, some eight feet or more in length, for every ten soldiers; the "regimental colours" were generally inscribed with the name of the commander in a contrasting colour, e.g. white on red, red on blue, etc. Liu Yung-fu's troops were distinguished by black banners inscribed in red with the character "I" or "Ngi," having the meanings of "right," "justice," "patriotism," "loyalty." It was used, as applied to this army, in the same sense as in the "I-ho" Society of 1900, which has by paronomasia been translated "Boxers."

and it was quite in accordance with Chinese custom that these breakers of the peace should be utilised to maintain the peace. Their position was in some respects similar to that of the Armstrongs and Grahams of the Debatable Ground on the Scottish border [51]; in 1864 they were hunted by the imperial troops over the Annamese border, ten years later they were protecting Annamese interests, in yet another ten years they championed the imperial cause against the French, and in the fourth decade they were sent to guard Formosa from the Japanese. After they were summoned by the Annamese on the occasion of Garnier's raid,[52] they remained in the country, the Annamese welcoming the protection which these sturdy fighters afforded, and the Chinese ministers refusing to order their withdrawal[53]; and they continued to block the Red River, France's real objective, both by armed possession and by establishing taxing stations along its route, levying toll on all traffic.[54] In October, 1881, two French merchants carrying goods from Hanoi into Yunnan were attacked at three points along the route at which Black Flag stations had been established [55]; this may be interpreted to mean that the merchants had thrice been summoned to pay toll, and had thrice resisted the demand.

§ 11. Upon this the king of Annam was called upon to "expel from his territory the Chinese mercenaries in his pay known under the name of Black Flags"; and, as this was recognised to be beyond his power, the garrison holding the town of Hanoi [56] was reinforced to 450 men under the command of Commandant H. L. Rivière of the French navy. He was reminded of the intentions of the French government which did "not wish at any price to make, at four thousand leagues from France, a war of conquest which would involve the country in grave complications"; it was declared that it was "by politic, pacific and administrative action that France should

[51] Cf. chap. xiv, § 7, n. 16.

[52] Cf. *antea*, § 5.

[53] Cf. *antea*, § 7.

[54] M. Rheinart to Governor of Cochinchina, Hué, Jan. 4th, 1882, Cordier, "Relations," ii, p. 342.

[55] *Ibid.*

[56] Occupied under the treaty of 1874.

extend and strengthen her influence in Tongking and in Annam"; M. Rivière was to follow this line of policy, and would have such further force as he might consider needful.[57] Rivière arrived in Hanoi March 25th, 1882. The Annamese, alarmed at the possible consequences, strengthened and reinforced the citadel; and it was thought necessary to take and dismantle it.[58] For a year the small French force occupying Hanoi could only undertake some small operations, and was effectually hemmed in by the Black Flags holding the country around.[59]

§ 12. During this year diplomacy was again active. China protested, both through the Marquis Tseng at Paris, and through the Tsungli Yamen at Peking, against this attack on her suzerainty over Annam.[60] On December 20th a "memorandum" was signed at Shanghai by Li Hung-chang and the French envoy, M. Bourée, by which China agreed to withdraw her troops from Tongking, and France undertook to make no conquests and to undertake nothing against the sovereignty of Annam, the independence of which was to be jointly guaranteed by the two powers; and China agreed to sanction trade into Yunnan by the Red River route.[61] This solution of the difficulty seemed likely to restore peace. It was fully accepted by China,[62] though, as usual, there was still a vociferous war party [63]; but politics in France were in too disturbed a state to allow a wise decision to be taken. Finally M. Jules Ferry gained power, and, on April 26th, 1883, proposed a credit of 5,500,000 francs for an expedition to Tongking, which was voted May 15th. Both nations were thus preparing for war. The Black Flags assumed a more active offensive around Hanoi, and their

[57] Governor of Cochinchina to commandant Rivière, Jan. 17th, 1882, Cordier, *op. cit.*, ii, p. 345.

[58] Consul at Hanoi to Governor of Cochinchina, April 16th; comdt. Rivière to same, April 25th, 1882; *ibid.*, ii, pp. 347, 350.

[59] "Rivière remained for nearly a year virtually a prisoner in the citadel of Hanoi."—H. Norman, "The Peoples and Politics of the Far East," p. 128.

[60] Cordier, *op. cit.*, ii, p. 353.

[61] *Ibid.*, p. 361.

[62] "Les chinois, dont la convention avait été acceptée par M. Duclerc, et qui en avait exécuté la première partie."—*Ibid.*, p. 372.

[63] "Ma Kien-tchong . . . m'a dit que les Censeurs voulaient la guerre . . . que la guerre était probable."—M. Frandin to M. Bourée, Tientsin, May 17th, 1883, *ibid.*, p. 377.

commander issued a challenge to his opponent to come out into the open and fight.[64] Rivière, having been reinforced, made a sortie on May 19th and was killed in the action which followed.[65] France accepted the challenge and embodied a mixed force under General Bouët and Admiral Courbet, with M. F. J. Harmand as civil commissaire, to settle the Tongking question.

§ 13. King Tuduc died on July 17th,[66] and was succeeded by his brother Hiephoa, who was again succeeded in November by an infant, Kienphuoc. On August 25th a treaty was signed at Hué,[67] of which the first article declared that "Annam recognises and accepts the protectorate of France. . . . France shall control the relations of all foreign powers, including China, with the Annamese government." By other articles the area of French Cochinchina was enlarged; Tongking was placed administratively under French *résidents*; Annam proper was left under Annamese control, except for customs and public works; French merchants were to trade without restriction in the whole of Tongking and in certain ports of Annam; and the whole course of the Red River was to be held by French military posts, so long as it might seem necessary. The treaty of 1874 was thus confirmed and amplified, and Annam was placed under the feet of France. The Annamese question, it was stated, was nearly settled, but not so the Chinese question.[68]

§ 14. The Chinese court was seriously alarmed. Li Hung-chang was ordered south, but proceeded no further than Shanghai. In July China requested the mediation of the American government, but it was rejected by France.[69] In August the French declared a blockade

[64] For the text of this challenge, see Appendix E.

[65] The French historians state that Rivière was wounded and that then the Chinese "fell upon their prey and cut off his head."—Cordier, op. cit., ii, p. 379. Eyewitnesses stated that, being wounded, he "blew his own brains out," and that his head was then cut off.—Cited in Norman, op. cit., p. 89.

[66] "Notre ennemi acharné Tuduc."—Cordier, op. cit., ii, p. 384.

[67] Text in Cordier, op. cit., ii, p. 387; see also Driault, "Extrême Orient," p. 267.

[68] Driault, loc. cit.

[69] "Le gouvernement des Etats-Unis nous a sur la demande de la Chine fait offrir ses bons offices. Nous les avons déclinés."—M. Challemlacour to M. Tricou, Aug. 30th, 1883, Cordier, op. cit., ii, p. 399. No papers on the subject are included in U.S. For. Rel. for that year.

of the ports of Annam and Tongking.[70] France then proposed the establishment of a neutral zone between Chinese territory and the sphere of French influence, and the opening of Manhao [Mengtze] for trade with Yunnan [71]; but nothing came of it. Finally in November the French government was formally advised that for ten years past troops [Black Flags] had been maintaining order in the territory of Annam, which had for over two hundred years been a vassal of the Ta-Tsing dynasty ruling China; if France now refused to recognise as China's vassal a state whose ruler had received investiture from the emperor and paid tribute for so many centuries, she would commit a wrong and an injustice; China had every wish to maintain the peace with France; but if French troops met Chinese troops in Tongking, a conflict would certainly arise.[72] The Marquis Tseng repeated the warning, declaring specifically that if, as had been announced, the French troops advanced on the cities of Sontay, Honghoa and Bacninh, they would find Chinese troops there, and that a collision would be inevitable.[73]

§ 15. Sontay, the strategic centre of the rivers of Tongking, was taken by assault on December 16th; and Chinese imperial troops were among the garrison. Bacninh, the strongest post in the delta, was taken on March 12th, 1884; and, there too, "the imperial troops had taken part in the defence, according to their orders." [74] This was followed by the dismissal of Prince Kung from his post as head of the administration.[75] The rupture seemed complete, but it was still to be postponed by an essay in amateur diplomacy. Canton was recognised as a probable point of attack by the French forces; and to this port Mr. G. Detring was, at the end of March,[76]

[70] M. Tricou to Prince Kung, Aug. 20th, 1883, Cordier, *op. cit.*, ii, p. 401.

[71] Memorandum, Sept. 15th, 1883, *ibid.*, p. 411.

[72] Prince Kung to M. de Semallé, Nov. 16th, 1883, *ibid.*, p. 413.

[73] Marquis Tseng to ministre des Aff. Etr., Nov. 17th, 1883, Boulger, "Halliday Macartney," p. 365.

[74] Prince Kung verbal to German envoy, March 16th, 1884, Cordier, *op. cit.*, ii, p. 422.

[75] Cf. chap. xiii, § 16.

[76] Mr. Detring assumed charge of the Canton customs on March 31st, 1884, surrendered charge on April 7th, and was then detached for special duty until, on Nov. 10th, he assumed charge of the Tientsin customs.—Customs archives.

on his way to take up duty as commissioner of customs. From Hongkong to Canton he accepted the hospitality of Admiral Lespès, second in command to Admiral Courbet, on the aviso *Volta*, commanded by capitaine de frégate Fournier; and the three discussed the Tongking question in a friendly way. Later discussing the situation with the Canton viceroy, Mr. Detring urged the viceroy to lose no time in informing Li Hung-chang of the impossibility of defending Canton. The latter then summoned Mr. Detring, in whose judgment he had great confidence, to Tientsin; and thither it was decided to invite Commandant Fournier, whom Li had known personally. Commandant Fournier was provided with credentials *ad hoc*; and at Tientsin "the two negotiators fell into each other's arms," [77] and a convention was agreed to and signed on May 11th. [78]

§ 16. By the Li-Fournier convention France agreed to respect and protect the existing southern boundaries of China; China undertook to withdraw immediately [*retirer immédiatement*] the Chinese troops [*garnisons*] then in Tongking, and to respect the treaties made or to be made directly between France and the court of Hué; France waived any claim for an indemnity, and China sanctioned freedom of traffic between Tongking and the adjoining Chinese provinces; and France agreed, in her negotiations with Annam, to use no expression which might hurt the prestige of the Celestial Empire. Negotiations for a definite treaty on these bases were to be begun within three months. This convention constituted a protocol to serve as base for a settlement which was ultimately accepted after another year of hostilities; and this settlement was accepted for China by a statesman who could see, more clearly than others of his nation, where lay the weakness and where the strength of the empire. But he had had no time to conciliate the war party, whose opposition he had himself described as the "howling of dogs" [79]; and he had gone even further than the wishes of his

[77] Michie, "The Englishman in China," ii, p. 329.

The present author was in 1884-85 private secretary to Mr. Detring, and is thus able, from his personal knowledge, to check the statements of other writers as to what occurred then at Tientsin.

[78] Text in Cordier, "Relations," ii, p. 435.

[79] Michie, *op. cit.*, ii, p. 329.

imperial mistress, his principal supporter. She had declared [80] that peace could be made only on four conditions. 1°. That the suzerainty of China over Annam should not be given up: this had been given up. 2°. That China should not disavow the Black Flags: they had not been disavowed. 3°. That China should pay no indemnity: none was to be paid. 4°. That trade with Yunnan should not be permitted: it was permitted. The two most important of the four conditions had not been fulfilled, and the imperial administration was unable, or unwilling, to give order for the execution of the terms of the convention.

§ 17. It was arranged between Li Hung-chang and Commandant Fournier that the garrisons on the Kwangsi frontier were to be withdrawn within twenty days, i.e. by June 6th, and those on the Yunnan frontier within forty days, i.e. by June 26th, "after which the French forces might proceed summarily to expel them." [81] A force of 900 men under Colonel Dugenne was sent to occupy Langson, the frontier post looking into Kwangsi; and, on June 23rd, at Bac-lé he encountered a body of Chinese troops. Their commander informed Colonel Dugenne by letter that they had no instructions to evacuate, and, very reasonably, asked him to communicate with the French authorities to obtain the transmission of the necessary orders. Dugenne had no Chinese interpreter to explain the precise nature of the communication and at once pushed his attack; but he was defeated with the

[80] According to the statement of Herr von Brandt, German envoy.—Cordier, *op. cit.*, ii, p. 444.

[81] The author heard the viceroy declare that comdt. Fournier agreed to omit the exact dates, and to leave the withdrawal to be settled on the spot. The viceroy's secretaries showed the author the draft of the agreement with the clauses relating to the dates cancelled by criss-cross pencilling, which they said had been done by comdt. Fournier's hand; and the author has in his possession a photographic facsimile of the document—"Communication écrite déposée entre les mains de Son Excellence Li-hong-chong le 17 Mai 1884 à Tientsin," signed E. Fournier. All the clauses relating to dates of withdrawal are cancelled in the manner indicated above, and in the margin against the cancellations on two pages are twice written the initials E. F. in the same handwriting as the signature.

Comdt. Fournier himself, however, declared that he had not done it. On this subject see Cordier, *op. cit.*, ii, pp. 498 seq.

The viceroy declared that he had not consented to any fixed dates.—Li Hung-chang to Tsungli-Yamen, July 2nd, 1884, Cordier, *op. cit.*, ii, p. 458.

loss of twenty-two killed and sixty-eight wounded. For this affair the imperial administration has been acquitted of treachery, and it has been recognised as the result of an honest misunderstanding,[82] accentuated by occidental impetuosity on the one side and oriental procrastination on the other.

§ 18. The French government took a serious view of the occurrence and charged the Chinese government with bad faith; and under its instructions the French legation, on July 12th, presented an ultimatum demanding the immediate execution of the Fournier convention and an indemnity of 250,000,000 francs; if this demand were not acceded to within a week, France would then seize material guarantees.[83] The guarantees which the government had in mind were the docks and arsenals at Foochow and Nanking; but the instructions sent to Admiral Courbet directed him to hold himself in readiness to occupy Foochow and Kelung, but to leave Nanking alone.[84] The Chinese ministers replied accepting the demand for the execution of the convention; but they sent a protest [85] against the threat to "seize material guarantees," rejected the claim for an indemnity, and asked for a liberal interpretation of the required "immediate withdrawal of troops" from so wild a country.[86] The withdrawal was, however, ordered by an imperial decree of July 16th [87]; but the Chinese ministers maintained that "immediately" under the existing conditions meant "immediately after the conclusion of the definitive treaty." [88] After a

[82] Cordier, *op. cit.*, ii, p. 451; Driault, "Extrême Orient," p. 273; Michie, *op. cit.*, ii, p. 330.

[83] M. de Semallé to Tsungli Yamen, July 12th, 1884.—Cordier, *op. cit.*, ii, 467; Driault, *loc. cit.*

[84] M. Ferry to M. Patenôtre, July 7th, 1884, Cordier, *op. cit.*, ii, p. 467. M. Patenôtre, the minister, was at Shanghai; at the legation in Peking was M. de Semallé as chargé d'affaires.

[85] Pu-lu-tai-sze-to in the naïve Sinitised form of the *English* word "protest."

[86] Tsungli Yamen to M. de Semallé, July 13th, 1884, Cordier, *op. cit.*, ii, p. 469.

[87] Same to same, July 16th, 1884, *ibid.*, p. 471.

[88] *Ibid.*, p. 473. A translation of the texts of the Fournier convention made at the American legation gives as the English rendering of "immédiatement" in the French text "as soon as may be," and of "li-chi" in the Chinese text "at once."—Mr. Young to Mr. Frelinghuysen, Aug. 8th, 1884, U.S. For Rel., 1884, p. 101. In point of fact "li-chi" is less immediate than "immédiatement."

second attempt to obtain mediation through the good offices of the American government,[89] negotiations for the definitive treaty were opened on July 28th at Shanghai between M. Patenôtre and Tseng Kwo-chüan, the Nanking viceroy. France offered to reduce the indemnity to 80,000,000 francs; China still rejected this, but offered Tls. 500,000 (about 3,300,000 francs) as compensation to the families of the victims of the misunderstanding at Baclé.[90]

§ 19. Upon receipt of the conciliatory Chinese answer of July 13th, Admiral Courbet moved his fleet into the anchorage in the port of Foochow, where "he was courteously welcomed by the imperial officials." [91] On August 4th Admiral Lespès with four ships summoned the forts at Kelung to surrender; no reply having been returned, he opened fire the next day and silenced them, subsequently damaging them by gun-cotton; but an attempt on the 6th to occupy the town was repulsed with some loss.[92] China protested—"Military action during negotiations, without previous declaration, is without precedent; the Chinese government appeals to all the powers." [93] Diplomatic notes were still exchanged between the representatives of the two powers, both at Shanghai and at Peking. On August 19th the chargé d'affaires at Peking presented an ultimatum the only demand in which was one for an indemnity of the reduced sum of 80,000,000 francs. Failing to receive satisfaction he demanded his passports and struck his flag on August 21st.[94]

[89] Cordier, *op. cit.*, ii, p. 472. Cf. *antea*, n. 69.

[90] *Ibid.*, p. 473.

[91] Driault, "Extrême Orient," p. 273.

[92] In July 1885 the author was shown by Chinese officers the place in which the gunboat *Villars* had moored in time of peace, as they declared, and from which her guns had enfiladed the principal fort, while the guns of the fort could not reach her.

"On July 22nd the *Villars* arrived at Kelung and anchored in the inner harbour . . . under the brisk fire of the ships on Aug. 5th materially aided by the sheltered position of the *Villars*, which enabled her to rake the great-gun fort, the forts were soon silenced and reduced to a heap of ruins."—H. B. Morse's report, "Customs Decennial Reports, 1882-1891," p. 452.

[93] Cordier, *op. cit.*, ii, p. 475.

"Quelques vaisseaux français bombardèrent Kelung, pour hâter la solution du conflit."—Driault, *op. cit.*, p. 274.

[94] M. de Semallé to Tsungli Yamen, Aug. 19th; Tsungli Yamen to M. de Semallé, Aug. 20th, 1884; Cordier, *op. cit.*, ii, p. 476.

§ 20. The majority judgment in the Dred Scott case declared that "negroes had been regarded as so far inferior [to the white race] that they had no rights which the white man was bound to respect." [95] It is only on the ground that an Asiatic nation has no rights which the white man is bound to respect that the course of France is to be explained. With her relations with Annam this history is concerned only in so far as they affect China. It is at once conceded that China's claim of suzerainty over Annam was more shadowy and ornamental than real; but still the relation of suzerain and vassal did exist, and it cannot be said that the Annamese authorities did wrong in calling on their overlord for help in their defenceless position, nor that China did wrong in answering the call. The injustice to China began at Baclé. In the Fournier convention China had yielded to France on every essential point. In making these concessions Li Hung-chang had acted as a real statesman, but he was not master in the empire. To have as neighbour on the southern frontier a masterful European power instead of the invertebrate Annamese was distasteful; to surrender the suzerainty over Annam, however shadowy it might be, was more distasteful; and most distasteful of all was to accept defeat, not after battle, but in realisation of China's own powerlessness. This Li Hung-chang had done; but a large and influential party, stimulated by their recent success in the Ili affair, refused to accept the settlement at once. True wisdom in the French ministers would have recognised Li's difficulties, would have avoided forcing his hand when he had given them so much, and would have maintained their grasp on the substance, without much regard to the manner in which they obtained it. All through the French ministers in Paris and their representatives in China acted as Colonel Dugenne had acted at Baclé, and opposed occidental impetuosity to oriental procrastination; and of this their action at Foochow was a striking instance.

§ 21. Admiral Courbet, entering Pagoda Anchorage, the port of Foochow, in the middle of July, was received in the most friendly way, as the representative of a power with which China was, or, on the settlement of a few

[95] Rhodes, "History of the United States," ii, p. 256.

diplomatic preliminaries, shortly would be, at peace.[96] The Chinese were helpless in his presence; not so much because their force was less, as because, in dealing with questions of international law, they were as tyros in the presence of masters—like amateurs playing with chess champions. Had they wished to order him out of port, they would not have known how to do it; and there never was a time, up to August 19th, when any Chinese official realised that his country was on the verge of war. None of them, hardly even Li Hung-chang, realised that a Western power could declare war on the sole question of a money indemnity,[97] and this seemed the only point on which China had not yet given way. Great commanders have declared that they left their morals at home when they went on campaign; but even if the Chinese had been willing to lay themselves open to the charge of a treacherous breach of hospitality, and had wished to attack the French ships, they would have required a skill which they did not possess to avoid inflicting serious damage on the neutral war-ships and merchant-ships lying in close proximity to the French.[98] The forces too were unequal. On the day of battle the French had eight ships (two armoured) of 14,514 tons, and 2 torpedo boats, manned by 1790 men and armed with 77 guns, nearly all of heavy metal, besides many machine guns of the latest pattern. On the Chinese side were 11 ships (of which 9 were wooden) of about 6500 tons, manned by 1040 men, and mounting 45 guns, only a few of which were of large calibre; in addition there were 13 antiquated gun-junks and some armed rowing boats.[99] And so the two rival forces lay

[96] The testimony for this is universal and emphatic.

[97] The Chinese opinion of the French position might well have been expressed by Voltaire's lines on George II and Frederick the Great.

“Rivaux du vainqueur de l'Euphrate,
L'oncle et le neveu;
L'un fait la guerre en pirate,
L'autre en parti bleu.”

[98] During the action French torpedo boat No. 45 came “from the hottest of the fight,” and “took shelter first on one side and then on the other” of the U.S.S. *Enterprise*, with many on board wounded.—Roche and Cowen, p. 19.

[99] For this and other facts relating to the battle this work relies mainly on two unbiased accounts: James F. Roche and L. L. Cowen (officers on the American corvette *Enterprise*), “The French at Foochow”; E. Faragó, report in “Customs Decennial Reports, 1882-1891.”

facing each other for five weeks, watching each other and showing their teeth [100]; but it is characteristic of the situation that, on August 16th, all, including the French, dressed ship in celebration of the birthday of the emperor of China.[101]

§ 22. Admiral Courbet received on August 22nd the order to take action, and the next day at 1.56 p.m. the first shot was fired from the *Lynx*, instantly returned from the *Chingwai*. Within one minute the Chinese flagship *Yangwu* had been torpedoed and sunk; and within seven minutes the action was practically over. Within the hour every Chinese ship had either been sunk in the anchorage, or was ablaze drifting helpless with the tide and sinking, one after the other, above or below the scene of action. Before the end of the hour the arsenal, "erected by French genius,"[102] was attacked, and at 2.25 p.m. the dock was blown up. The Chinese fought unequally. On two ships the officers deserted first, followed by most of their crews; on one ship the greater part of the crew deserted, but she was fought to the end by the officers and those of the crew who remained.[103] A fourth ship, "exposed to the broadsides of the *Villars* and *d'Estaing*, and riddled by a terrific discharge from the heavy guns of the *Triomphante* as she passed, fought to the last; in flames fore and aft, drifting helplessly down the stream and sinking, she plied her guns again and again, till one of the French torpedo boats, dashing in through the smoke, completed the work of destruction; but even as she sank the last shot from the little craft struck her destroyer." [104] In this unequal combat—the casualties on the French side were 5 killed and 15 wounded, and on the Chinese 419 killed, 128 wounded and 51 missing, in addition to 102 killed and 22 wounded on the gun-junks.[105] The next

[100] Under date of July 12th, when the U.S.S. *Enterprise* arrived at Pagoda Anchorage, Roche and Cowen record that the French lay "prepared for battle," and the Chinese were "anchored in defensive order."

[101] Roche and Cowen, op. cit., p. 10.

[102] Comment by Li Hung-chang, cited in Michie, "The Englishman in China," ii, p. 332.

The Foochow arsenal and dock were constructed and managed by M. Giquel. Cf. chap. iv, § 13; chap. v, § 22.

[103] Roche and Cowen, pp. 16, 17.

[104] E. Faragó, report.

[105] Ibid. Roche and Cowen give 12 as the number of French killed.

day, August 24th, the *Galissonnière* attacked the Kimpai forts from the sea front, but soon withdrew. The forts at Kimpai and those further up at Minan were so constructed, with their guns in solid masonry embrasures, that they could only fire in a seaward direction, and had no power of offence against an enemy coming from up-river.[106] It was from up-river that they were now attacked and destroyed, the Minan forts on August 25th-26th, and the Kimpai forts on August 27th.

§ 23. The Chinese government now declared that China was at war with France.[107] At Canton the declaration took the usual Chinese form of a proclamation by the viceroy, Chang Chih-tung, offering the customary rewards for valour—for the heads of Frenchmen killed in action from Tls. 10,000 to Tls. 100; for the capture of war-ships from Tls. 100,000 to Tls. 20,000, half these sums for their destruction; Tls. 8000 for taking a heavy gun, etc.[108] The French on their side were embarrassed by the European situation, the Egyptian question being acute, and, moreover, they desired to be able to use neutral ports in the Far East as bases. They accordingly made no declaration of war, preferring to engage in a "state of reprisals," carried out by "intelligent destruction." [109] The neutral powers ultimately acted on the supposition that an actual state of "war" existed, and not one of "reprisals," and declared for "strict neutrality" between the two "belligerents" [110]; but at the outset their inability to label the situation accurately made their position uncertain, and both belligerents were able to use neutral ports, such as Hongkong and Nagasaki, and to obtain war material, coal and provisions in neutral ships of all nationalities.[111]

§ 24. After his attack on Kelung on August 5th Admiral Lespès maintained his position off the port, and during September he was engaged in gaining possession of the port and the first ridge of the hills surrounding

[106] E. Faragó, report; Roche and Cowen, pp. 24, 32.

[107] Imperial decree Aug. 27th, 1884, Cordier, "Relations," ii, p. 507.

[108] Ibid., p. 509. Cf. "Conflict," chap. x, § 7; chap. xvi, §§ 13, 18.

[109] Michie, op. cit., ii, p. 331.

[110] Mr. Young to Mr. Frelinghuysen, Feb. 14th, 1885; Mr. Bayard to Mr. Smithers, April 20th, 1885; U.S. For. Rel., 1885, pp. 156, 170.

[111] Dickins and Lane-Poole, "Life of Sir H. Parkes," ii, p. 378.

the harbour; this position was held by General Duchesne with a land force of 3000 men, which from first to last was unable to make its way inland beyond the line of ravines defining the ridge. Admiral Courbet with his fleet arrived off Tamsui on October 1st, and the next day bombarded the forts; but, owing to the distance from which the ships had to fire, small damage was done. On the 8th the bombardment was renewed, and a force of 800 men was landed to assault the forts; after three hours' fighting the assailants were driven back to their boats. After this there were constant skirmishes between outposts at Kelung, but no serious engagement except one on March 7th; in this the French were victorious, but they gained no forward position.[112] The Chinese forces holding Formosa numbered about 50,000 men, and its defence was ably conducted by Liu Ming-chüan, then imperial High Commissioner *ad hoc*, afterwards first governor of the newly created province of Taiwan.[113]

§ 25. Admiral Courbet declared an effective blockade of the coasts of Formosa from October 23rd.[114] This brought up for consideration the belligerent status of the rival powers; and, after some correspondence, the British administration informed the French government that it was "prepared to recognise the blockade of Formosa as a belligerent blockade, but that, so long as the hostilities between France and China are confined to a particular locality and the ships of neutrals are not interfered with on the high seas, they have determined not to aggravate the situation by the issue of a proclamation of neutrality, but will limit themselves to strictly enforcing the Foreign Enlistment Act"[115]; but it was also declared that the British government "consider that a state of war

[112] For this abbreviated account the author relies mainly on his own report in "Customs Decennial Reports, 1882-1891," drawn up on the scene in 1892. Cf. also Davidson, "The Island of Formosa," pp. 221 seq.

[113] Liu Ming-chüan, a protégé of Li Hung-chang, served as divisional commander under Tso Tsung-tang in his ten years' campaign, and had imbibed the qualities of both leaders. He took command in Formosa in July, 1884, and on Aug. 5th, on the first bombardment of Kelung, he took the bold step, unusually prompt for a Chinese official, of ordering the destruction of the plant of the Kelung coal mines and of the stock of coal, estimated at 15,000 tons.

[114] Text of notification in Cordier, *op. cit.*, ii, p. 512.

[115] Foreign Office to Treasury, etc., Nov. 22nd, 1884, *corr. resp.* Hostilities between France and China (France No. 1, 1885), p. 6.

exists between France and China *de facto* and *de jure*.”[116] Among other consequences, this closed Hongkong for the shipment of coal and repairing of ships [117]; and the French government, which had at first agreed not to exercise the right of search on the high seas, now resolved to enforce all belligerent rights.[118]

§ 26. The French government next gave notice that, from February 26th, it would consider rice, destined for ports north of Canton, as contraband of war.[119] The object of this policy was to intercept the tribute rice carried from the Shanghai district to the north for the maintenance of the “garrison” and population of Peking,[120] and so to bring direct pressure to bear on the court to lead it into the paths of peace. This, from a naval point of view, was a wise measure; but this rice was now, for the most part, carried in steamers under the British and American flags, and the proposal aroused a storm of protests from the merchants in China. The British envoy issued a notification to reassure them. It was issued impetuously, and was so worded as to convey the idea that the seizure of food in British ships as being contraband of war would be resisted by the British naval forces. This interpretation was at once corrected [121]; but the French government was distinctly informed that the British government “protested against rice being treated generally as contraband of war and that they would not consider themselves bound

[116] Lord Granville to M. Waddington, Nov. 26th, 1884, *ibid.*, p. 7.

[117] Same to Marquis Tseng, Nov. 26th; For. Office to Colonial Office, Dec. 31st, 1884; *ibid.*, pp. 8. 9.

[118] M. Waddington to Lord Granville, Jan. 29th, 1885, *ibid.*, p. 10; London Gazette, Feb. 13th, 1885.

[119] M. Waddington to Lord Granville, Feb. 20th and 24th, 1885, “France and China, 1885,” p. 14.

[120] Import by steamer into Tientsin in 1889:

Tribute rice . . .	839,809 piculs =	49,991 tons
Merchants' rice . . .	1,216,508 „ =	72,411 „
	<u>2,055,317</u> „ =	<u>122,402</u> „

On May 23rd, 1885, 502 tribute rice junks entered the Shantung section of the Grand Canal, bound north for Tientsin and Peking.—Peking Gazette, June 24th, in North-China Herald, Aug. 14th, 1885. Their lading may be estimated at between 20,000 and 30,000 tons; and they probably entered the Grand Canal opposite to Chinkiang about the end of April.

[121] Lord Granville to M. Waddington, March 21st, 1885, “France and China, 1885,” p. 19.

by the decision of any Prize Court which should uphold a contrary doctrine.”[122] The American government was less outspoken in its opposition to the action proposed, and “preferred to await specific cases before deciding what articles are and what are not contraband.”[123] The German government, through the imperial Chancellor, expressed its opinion that “the measure in question has for its object the shortening of the war by increasing the difficulties of the enemy, and is a justifiable step in war if impartially enforced against all neutral ships.”[124] The French had achieved no great glory in the operations against the coast of China; and now, in adopting the means best calculated to bring hostilities to a close, they were in danger of causing friction with England, with which they were already sufficiently involved in connexion with Egypt. They were tired of the war,[125] and were ready to listen to peace proposals.

§ 27. Efforts to settle the Franco-Chinese question had been made from time to time. In April, 1884, before the conclusion of the Fournier convention, Sir R. Hart had taken steps to open negotiations at Paris; but he drew back on the recall of the Marquis Tseng, and the substitution of Li Feng-pao as head of the Paris legation. The Fournier convention in May, and the Patenôtre negotiations in August, have been referred to.[126] In September Sir R. Hart again took some tentative steps, but drew back in view of the diplomatic activity elsewhere. In October, on an informal inquiry by Li Hung-chang, the modified French demands were stated to be: execution of the Fournier convention, and simultaneous withdrawal of forces on both sides; making no mention of an indemnity, but including the temporary occupation of Kelung as a guarantee.[127] These proposals were at the same time

[122] Same to same, April 4th, 1885, *ibid.*, p. 21.

[123] Mr. Bayard to Mr. Smithers, June 1st, 1885, U.S. For. Rel., 1885, p. 172.

[124] Prince Bismarck to Kiel Chamber of Commerce, — 1885, cited in Sir E. Grey to Mr. W. H. Page (American Ambassador), Feb. 10th, 1915, *Times*, Feb. 18th, 1915.

[125] “I do not think the summer will pass without an arrangement being come to and this state of reprisals ended. Everybody is tired of it—the French too—and nobody more so than myself.”—R. Hart to H. Kopsch, March 19th, 1885.

[126] Cf. *antea*, §§ 15, 16, 18.

[127] Cordier, *op. cit.*, ii, p. 513.

brought to the cognisance of the Chinese legation in London.[128] In November Sir R. Hart was again moving, but again he drew back. In December the Marquis Tseng, through Lord Granville, again broached the subject with M. Waddington, the French ambassador in London, but without result.[129] Finally, in January, Sir R. Hart began a series of negotiations which ultimately restored peace.

§ 28. The customs cruiser *Feihoo* had been seized off Formosa in October while engaged in service as tender to the lighthouses, and Admiral Courbet had informed the customs authorities that he would release her only on receiving instructions from Paris. Sir R. Hart accordingly on January 7th instructed Mr. James Duncan Campbell, a shrewd Scot, commissioner of customs, and head of the London office of the Chinese customs,[130] to go to Paris and negotiate for the release of the cruiser. He was at the same time instructed to sound M. Ferry and ascertain on what terms France would consent to end the state of reprisals. He found M. Ferry suspicious of further essays in amateur diplomacy, but his evident honesty of purpose brought the French minister to say that Sir R. Hart's proposal was the only reasonable one he had yet heard; he still, however, declared that he must have it direct from the Tsungli Yamen. On February 21st M. Ferry was assured that the present negotiation was wholly in Sir R. Hart's hands; on March 1st a secret imperial decree was communicated to him embodying definite proposals; and on March 2nd he was warned that Li Hung-chang had at the moment no authority to touch this question in any way, and that Sir R. Hart's proposals were sanctioned by imperial authority. Li Hung-chang was, however, on March 22nd, made the medium of a communication though diplomatic channels that Sir R. Hart, and his representative Mr. Campbell, had full power to treat. Divers questions were raised and explanations given,[131] some difficulties were settled by minor com-

[128] Boulger, "Halliday Macartney," p. 377.

[129] *Ibid.*, p. 382.

[130] He was an Inspectorate secretary, with the incongruous title of Non-Resident Secretary.

[131] The answer to one demand throws valuable light on a subject which is not generally understood, and, coming from one of such deep

promises on one side or the other; and an unexpected Chinese success, the recapture of Langson on March 28th, which brought about the resignation of M. Ferry, might have complicated the question; but the terms of the imperial decree were embodied, word for word, in a protocol signed, on April 4th,[132] by M. Billot and Mr. Campbell.

§ 29. The protocol [133] embodied the proposal made by China on March 1st, and was as follows:

"*Art. i.*—China consents to ratify the convention of Tientsin of May 11th, 1884, and France declares that she has no other end in view than the full and entire execution of this treaty.

"*Art. ii.*—The two powers consent to a general cessation of hostilities as soon as the necessary orders can be given and received, and France consents to the immediate raising of the blockade of Formosa.

"*Art. iii.*—France consents to send a minister to the north, i.e. to Tientsin or Peking, to arrange the details of the treaty, and the two powers shall then fix a date for the withdrawal of the troops."

An imperial decree of April 13th ratified the Fournier convention and sanctioned the armistice.[134] The blockade of Formosa was raised on April 16th, when the French naval forces withdrew to the Pescadores, which had been occupied on March 31st; and there, on June 11th, Admiral

experience as Sir R. Hart, it may be taken as authoritative. Early in March M. Ferry demanded that the ratification of the Fournier convention should be published in the Peking Gazette, and to this Sir R. Hart returned the following explanatory answer:

"First, what is an imperial edict? The Peking Gazette is a foreign general name for several separate newspapers belonging to private speculators who publish whatever memorials and edicts they can procure copy of: not being a State Gazette, they seldom contain the really important documents. Edict or decree is decision or command given by emperor and is formally recorded in palace archives. To be an edict it must emanate from the emperor and be recorded, but need not appear in so-called Gazette. Proposal of March 1st emanated from emperor, is recorded, and embodies edict: otherwise prince dare not communicate it for transmission. As affair is kept secret, Gazette cannot publish it."

[132] The terms of the protocol were settled and accepted on both sides on March 30th. Delay of a few days was caused on the French side by M. Ferry's resignation on that day; and on the Chinese side Sir R. Hart had warned Mr. Campbell not to sign on April 1st, as that was hardly an auspicious day for so serious an event. This was included in the French yellow-book in the following form—"Ne signez pas le premier Avril, c'est un jour nefaste"—a curious confusion of occidental and oriental superstition.

[133] Protocol of Paris of April 4th, 1885, Treaties, i, p. 685.

[134] Treaties, i, p. 688.

Courbet died, his death hastened by his last official act, an order to evacuate Kelung and the Pescadores consequent on the signing of the treaty of Tientsin on June 9th. This treaty,[135] negotiated by Li Hung-chang and M. Patenôtre, amplified the provisions of the Fournier convention, settled the frontier so as to give to France both Langson and Laokai, surrendered to France the suzerainty over Annam, and arranged for trade over the frontier; and a separate note, signed by Mr. G. Detring and the viceroy's secretaries, attested that a clause saving the "prestige" of China could not in any way be interpreted to imply "hopes" or "aspirations." The stumbling block in the way of peace for twelve months had been France's demand for an indemnity, at first of 250,000,000 francs, afterwards reduced to 80,000,000 francs. The indemnity was not mentioned; but, in order that the French administration might show the country some gain to French industry, it was provided [136] that, if China should decide to build railways, the French government would give her "every facility to procure in France the personnel she might need"; but it was agreed that "this clause was not to be considered as conferring any exclusive privilege on France."

§ 30. On the signing of the protocol Sir R. Hart sent Mr. Campbell a telegram—"Bravo! Well done! My thanks and congratulations." It was well deserved. Mr. Campbell had done well in finding an acceptable formula for restoring peace; but it is just to point out that he had adopted the exact words of the imperial edict, words doubtless suggested, and certainly transmitted, by Sir R. Hart. In May, 1884, Li Hung-chang and his adviser Mr. Detring had negotiated the Fournier convention, providing a solution acceptable to both sides; but the great viceroy had been powerless to impress on all elements in the administration the wisdom of his policy, and the hot-heads of the Chinese war party had interposed enough of obstruction and delay to prevent the execution of the

[135] *Treaties*, i, p. 689. The author was present at the signing of this treaty. After its conclusion he was sent as imperial commissioner to arrange with Admiral Lospès for the exchange of the prisoners taken on both sides. The exchange was effected at the fortified port of Makung in the Pescadores.

[136] *Art. vii.*

convention, and to provide the hot-heads of the French war party with their "pretext and opportunity." From the negotiations of the spring of 1885 Li Hung-chang had been excluded, and Sir R. Hart was enabled to work directly on the Chinese ministers at Peking. All this took time; he was at work through twelve months [137]; for three months he was active in impressing his opinions on the ministers of state at Peking and in keeping them steadfast in the way of peace; his negotiations were conducted by cable, by telegrams which had to be ciphered and deciphered at either end; and his success must be attributed to the simplicity of the measures he adopted, to the fact that he succeeded in preventing the introduction of extraneous matter by either side. Both sides were heartily tired of an inconclusive war, but they might have drifted on interminably, had it not been for Sir R. Hart's ready grasp of the situation, and his opportune intervention.[138] As it was both nations welcomed the end of a conflict which had not brought much glory or profit to either.

[137] "As for the peace—yes! I am awfully glad it has been hooked. No one knows the work and anxiety it has given me—or the strange responsibilities I have to shoulder largely—these last twelve months. The negotiation has had a half-dozen most curious episodes in it, and, were I at liberty to speak out, I could make a most interesting—and dramatic—story out of it. Campbell in Paris worked splendidly, and carried out all my instructions most admirably. I don't think any one will say that China comes badly out of the year's trial, and, as for the work that re-established peace, I, looking at it critically, as if it were another man's performance, pronounce it as good a bit of work as it has been successful! Thank Heaven it is over now!"—R. Hart to E. B. Drew, June 28th, 1885.

[138] The value of his intervention was specifically recognised in an imperial decree of Aug. 4th, 1885.—"Ever since the twelfth month [January] the Inspector General of Customs, the Englishman Hart, on the ground that the two countries had no real cause of quarrel, was energetic in his requests that negotiations might be resumed on the basis of the Tientsin [Li-Fournier] convention, and, animosity being put aside, a good understanding be renewed."—Decree in North-China Herald, Aug. 21st, 1885.

CHAPTER XVIII

HONGKONG AND MACAO

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§ 1. SIR ROBERT HART passed his fiftieth birthday while engaged in the negotiations for peace between China and France; and his success, when others had failed, established his reputation in all quarters; while the authority which he exercised was probably subjected to less control than that exercised by any other administrator in any country in the world. The Chinese court and ministers

were filled with gratitude, but the first practical recognition of the position he occupied came from the British government. The British envoy at Peking, Sir Harry Parkes, died at his post on March 22nd, 1885, worn out by the work and anxieties created by a state of war [1]; and Lord Granville invited Sir R. Hart to be the British representative in China. For twenty years he had been the guide, counsellor and friend of successive heads of the British legation, and, while his entire loyalty to the Chinese government was never doubted, his guiding hand in the legation had worked for the good both of China and of England.[2] Delay occurred in announcing the appointment, because Sir R. Hart preferred to postpone his acceptance until he should have finished the negotiations with France [3]; then Mr. Gladstone's ministry went out of power on June 12th; but, the treaty having been signed on June 9th, the appointment was gazetted on the 10th,[4] much to the satisfaction of his new superiors.[5]

§ 2. Sir R. Hart had not solicited the appointment, but accepted it as being in the line of duty.[6] It was without much enthusiasm that he faced the prospect of leaving the customs service, to the organisation of which he had devoted a quarter of a century of hard work [7]; but, none the less, on August 15th, he issued a farewell address closing with these affecting words—"It is with a

[1] Lane-Poole and Dickins, "Life of Sir Harry Parkes," ii, pp. 425-428.

[2] "This step [Sir R. Hart's nomination] was recognised as so far appropriate to the circumstances that it conjoined responsibility with power, which had been too long divorced from each other."—Michie, "The Englishman in China," ii, p. 166.

[3] J. Bredon, "Sir Robert Hart," p. 173.

[4] *Ibid.*, p. 177.

[5] "Telegrams . . . were laid before Queen Victoria; she said 'I am very glad that we shall have for our next minister in China the man who arranged such delicate negotiations as these.'"—*Ibid.*, p. 174.

[6] "I, too, was really hoping that the change of Ministry would enable me to remain in the Customs, for in this matter I have simply followed the guidance of circumstances, and whatever effort I have made has been on the side of declining the appointment. But it is gazetted, and when the despatches arrive I shall have to move on."—R. Hart to E. B. Drew, June 28th, 1885.

[7] "I am tasting to-day some of the bitterness of success: I am winding up, and preparing to vacate my post. I assure you I don't like it a bit: it is more like death in life-time than apotheosis! . . . Curious to think that—after to-day, I suppose—I am to be a nobody in the Customs Service! It is really like a sort of preparation for the stern day yet to be faced when I shall become a nobody to earth and its concerns."—Same to same, Aug. 15th, 1885.

very real regret that I sever our Service connexion : each of you can best interpret for himself what my feelings are, dear comrades of many years, while I write, sorrowfully and affectionately, this official farewell.”[8] The Chinese ministers had accepted the change in their relations with their former subordinate, though with some mental reservation [9]; and all was settled. But difficulties arose. It was Sir R. Hart’s intention to install, as his successor, his brother Mr. James H. Hart. A man of quick intelligence and agreeable personality, Mr. James Hart was appointed to the foot of the ladder in the customs service in January, 1867, and in six years, by October, 1872, had risen by successive steps to be commissioner ; and since that time had been entrusted with much responsible work, in which he had acquitted himself well. He was generally liked, but was as generally regarded as wanting in seriousness and application. So great was Sir R. Hart’s prestige at the time that the circle of Chinese ministers and foreign envoys might have disregarded the dangers of a dynastic succession, and accepted the nepotic appointment of a brother who should prove himself strong enough to stand on his own feet ; but not when the designated successor appeared likely to be the subservient follower of the head of the British legation.

§ 3. The succession had really been settled. Prince Ching, who had succeeded Prince Kung [10] in 1884 as head of the government, promised Sir R. Hart that his brother, with a Chinese colleague, should be the next Inspector General. But in July some signs of opposition were manifested. Some of the Chinese ministers supported Dr. W. A. P. Martin, then president of the Tungwenkwan college ; and a few days after the date of Sir R. Hart’s farewell to his colleagues of the customs, it was definitely announced that Dr. Martin had been appointed to succeed him.[11] Excellent as an educator, Dr. Martin was a pedant with no experience in administration, and the world was not surprised when, in a few days, it was definitely announced that Mr. James Hart had actually received the

[8] I.G. circ., Aug. 15th, 1885.

[9] J. Bredon, *op. cit.*, p. 177.

[10] Cf. chap. xiii, § 16.

[11] Telegram, Peking, Aug. 19th, in North-China Herald, Aug. 21st, 1885.

appointment.[12] Under both these cross currents, however, ran a third stream, the candidature of Mr. Gustav Detring. With twenty years of service for China behind him, Mr. Detring, a man of brilliant intellect and great diplomatic ability, had been the right hand of Li Hung-chang for nearly ten years, and he was now supported by that great minister and his following.

§ 4. Li Hung-chang and Sir R. Hart had done much together, and had been much in conflict. As early as 1864, in composing the difficulties between Li and Gordon, Sir R. Hart recorded with some scorn that he had to "pay to Li over fifty thousand taels" [13]; and in 1870, on the occasion of the Tientsin massacre, he summarised his opinion of Li as follows: "Li Hung-chang has been sent to Tientsin; it is thought he will, at all events, deal energetically with the question, but, as rumour has it, his hand itches, and, if his palm has been greased, he will fail to advance the question very much towards settlement. Besides, he is proud of his genius for war, and is said to be by no means averse from settling issues in the field, if the French will alone take part in the fight." [14] In the spring of 1885 Li had been expressly excluded from the negotiations in which Sir R. Hart had been engaged [15]; and the two were irreconcilable rivals. With his brother to succeed him, Sir R. Hart might feel assured that "certain things which he had promised the Chinese to do for them would be carried out" [16]; that, in fact, he might as British envoy continue to influence the Inspectorate, as for twenty years, while at the Inspectorate, he had influenced the British legation.[17] With a strong man like Mr. Detring at the Inspectorate, supported by a strong minister like Li Hung-chang, this was impossible; and Sir R. Hart saw that his first duty now lay in remaining in the service of China. His resignation of his appointment as envoy was announced at the end of

[12] Telegram, Peking, Aug. 25th, *ibid.*, Aug. 28th, 1885.

[13] "Li *did* speak about you; but he spoke about so many people, and had so many a/c of his own to settle (Fancy, I paid *him* over Fifty thousand Taels!) that he quite took away my breath."—R. Hart to C. Hannen, Shanghai, Feb. 20th, 1864.

[14] R. Hart to E. B. Drew, Sept. 28th, 1870.

[15] Cf. chap. xvii, § 28.

[16] Communication in North-China Herald, Sept. 18th, 1885.

[17] Cf. Michie, "The Englishman in China," ii, p. 166.

August [18]; and his resumption of duty as Inspector General was notified to the service, without comment, some two months later.[19] This settlement of the question was generally acceptable. It suited the Chinese ministers, who were glad to retain the services of so trusted a servant, and it was pleasing to the customs staff. It also suited the legations, which regarded with some apprehension the proposal to place the service under dual control; and the German legation was relieved that the appointment had not gone to so sturdy an upholder of Chinese interests as Mr. Detring, who, though a German, was not readily amenable to German influences.

§ 5. The readjustment of the relations of China with her tributary, Annam, brought in its train a similar readjustment in her relations with Burma. In 1862 Lower Burma had been annexed to British India, but Upper Burma had been left under the rule of its king, though within the British sphere of influence. In 1886, however, for reasons which do not concern this history, but which were connected with French ambitions for expansion in the Far East, Upper Burma also was annexed to British India. The relations with China were regulated, by a convention [20] signed at Peking on July 24th, 1886, in a thoroughly practical way. England agreed not to press unduly the opening of Tibet, and made the further concession that "Inasmuch as it has been the practice of Burma to send decennial Missions to present articles of local produce, England agrees that the highest authority in Burma shall send the customary decennial Missions, the members of the Missions to be of Burmese race." In return for these concessions China agreed that "in all matters whatsoever appertaining to the authority and rule which England is now exercising in Burma, England shall be free to do whatever she deems fit and proper." Once at least, in 1895, the periodic mission from Burma

[18] Telegram, London, Sept. 1st, in North-China Herald, Sept. 5th, 1885.

The only reason ever given by Sir R. Hart for remaining in the Chinese service was that "the Empress Dowager said she'd prefer my continuing as I.G."—Private letter of R. Hart, Nov. 25th, 1903.

Cf. also J. Bredon, *op. cit.*, p. 178.

[19] I.G. circ., Nov. 2nd, 1885.

[20] Treaties, i, p. 314.

to "present articles of local produce" was despatched in ordinary course; but before the next recurring date came the Boxer upheaval of 1900 and the Burmese decennial mission was relegated to the lumber-room of forgotten antiquities.

§ 6. American relations with China during this period pursued their even tenor. By act of Congress approved March 3rd, 1885, the American government returned to China the balance remaining unissued from the Treasury after a strict examination of the claims arising from the injuries inflicted on American merchants at Canton during the years 1856-57. The indemnity paid, Tls. 500,000, realised \$735,288 [21]; the balance in 1885, including accumulated interest, amounted to \$588,401; against this was set off \$130,000, the sum due to the executors of Charles E. Hill for the use and loss of a steamer employed against the Taiping rebels in 1863; and the difference, \$458,401, was paid to the Chinese envoy at Washington, who expressed his opinion that "this generous return . . . cannot fail to elicit feelings of kindness and admiration." [22]

§ 7. While these official amenities were being exchanged, American mobs were harassing Chinese residents in the United States, and Chinese mobs were harassing American missionaries in China. On September 2nd, 1885, at Rock Springs, in the federal Territory of Wyoming, a mob attacked the Chinese, killed nineteen, wounded many, and drove about six hundred from the town. [23] During 1884 much hostility against missionaries was manifested in the province of Kwangtung, and, in December, a joint memorial was sent to the legations in Peking by the American, English and German missionaries in Canton, protesting against a "paper posted in the yamen and widely circulated in the streets of Canton purporting to be a memorial to the throne from the imperial High Commissioner Peng Yü-lin, containing serious charges against Christian missionaries and churches." [24] After the war

[21] Cf. "Conflict," chap. xxii, § 24.

[22] Mr. Bayard to Cheng Tsao-ju, April 24th; reply, April 25th, 1885; U.S. For. Rel., 1885, p. 181.

[23] Cheng Tsao-ju to Mr. Bayard, Sept. 11th, Nov. 30th, 1885; U.S. For. Rel., 1885, p. 187; 1886, p. 101.

[24] Mr. Seymour to Mr. Young, Dec. 17th, 1884; Mr. Young to Mr. Frelinghuysen, Jan. 20th, 1885; U.S. For. Rel., 1885, pp. 147 seq.

there were similar manifestations of feeling at Chinkiang [25] and at Chungking.[26]

§ 8. After some diplomatic correspondence at Washington and at Peking, the amount of material damage at Rock Springs, \$147,749,[27] was paid by the American government, "not as under obligation of treaty or principle of international law, but solely from a sentiment of generosity and pity to an innocent and unfortunate body of men . . . who were so shockingly outraged." [28] There is no record that corresponding redress was given for the anti-missionary movement in Kwangtung; and when the French consul demanded compensation for losses incurred by Catholic missions and converts in Kwangtung during the war, his demand was met by the viceroy, Chang Chih-tung, with a bold assertion of the sovereignty of China. In his reply the viceroy asserted that all chapels had been sealed up, properly protected, and restored intact at the end of the war; that the missionaries had been escorted to a treaty port, or had received full protection on the spot; that the converts, though they had become Christian, were still Chinese subjects, and that the consul had no right to demand inquiry or reparation on their behalf.[29] The reply was a state paper of great importance, but its author was instructed to apologise to the consul by a personal visit.[30]

§ 9. The British convention of Chefoo, 1876, left most matters incompletely settled,[31] and during the succeeding years there was much diplomatic activity in attempts to settle questions relating to general trade. None of them were successful, but a proposal to revive Sir R. Alcock's plan of 1869 came nearest to success. The Chinese had in that year been willing to accept an inclusive import duty of $7\frac{1}{2}$ per cent., imports being then exempted

[25] Mr. Denby to Mr. Bayard, Feb. 9th, 1886, *ibid.*, 1886, p. 74.

[26] Same to same, July 31st, Sept. 21st, 26th, Oct. 16th, Nov. 17th, 1886, *ibid.*, 1887, pp. 159 seq.

[27] Statement of claim in U.S. For. Rel., 1886, p. 132.

[28] Mr. Bayard to Cheng Tsao-ju, Feb. 18th, 1886, *ibid.*, p. 158.

It is to be noted that the Chinese envoy punctiliously returned a sum of \$481, representing duplicated claims.—Chang Yen-hoon [Chang Yin-hwan] to Mr. Bayard, Oct. 24th, 1887, U.S. For. Rel., 1887, p. 243.

[29] Translation of viceroy's reply in North-China Herald, July 16th, 1886.

[30] Statement to the author by the French consul, M. Frandin.

[31] Cf. chap. xiv, § 25.

from further payment of inland dues; but when the project was revived in 1880 they demanded an inclusive duty of $12\frac{1}{2}$ per cent.[32] They came down to $11\frac{1}{2}$ per cent.,[33] and ultimately to 10 per cent.,[34] and on this basis the question was settled in principle; but the Chinese ministers proposed to wait until, "on the representation of the several ministers [envoys], the present proposal should obtain the sanction of the treaty powers," and should then negotiate on the details.[35] And nothing more was heard of the proposal.

§ 10. The delay in the ratification of the Chefoo convention by the British government was chiefly due to the difficulty of settling the opium question. This was mainly a British question from the date, 1843, when the annexation of Sind [36] brought all the existing sources of supply, except Persia and Turkey, under British domination; but, as the British representative pointed out,[37] it was "perfectly open to any treaty power that may consider its treaty rights insufficiently respected to decline, until they be respected, the adoption of any arrangement affecting opium taxation"; and this presented the same difficulty which had frustrated the attempt to impose one inclusive tax on general imports. But opium was subject to exceptional treatment. By rule v of the Rules of Trade of 1858 opium was to be "carried into the interior by Chinese only, and only as Chinese property," and the transit duty on it was to be "arranged as the Chinese government see fit." [38] The foreign importer might store his opium within the limits of the treaty port, and was then liable only to pay import duty at the rate of Tls. 30 a picul; but when the opium left the protection of the treaty port, the Chinese government was free to impose, if it wished, so heavy a transit tax as virtually to revive the old policy of prohibition which had been abandoned in 1858.

[32] Mr. Angell to Mr. Evarts, Nov. 30th, 1880, U.S. For. Rel., 1881, p. 210.

[33] Same to same, Jan. 13th, 1881, *ibid.*, p. 224.

[34] Same to Mr. Blaine, Sept. 24th, 1881, *ibid.*, p. 310.

[35] Tsungli Yamen to Sir T. Wade, Aug. 1st, 1881, *ibid.*, p. 313.

[36] Cf. "Conflict," chap. viii, n. 16.

[37] Sir T. Wade to Tsungli Yamen, July 7th, 1881, in Mr. Angell to Mr. Blaine, Sept. 24th, 1881, *ubi sup.*

[38] Treaties, i, p. 232.

§ 11. To reinforce the argument from the possession of this weapon, the anti-opium agitation was revived in England, with the active support of high Chinese officials. The policy of the latter was set out in a noteworthy letter signed by Li Hung-chang.[39] He expressed his gratitude for the support and sympathy of the Anti-opium Society, and declared that "opium is a subject in the discussion of which England and China can never meet on common ground; China views the whole question from a moral standpoint, England from a fiscal." Taking this high ground, he declared that "the ruling motive in China is to repress opium by heavy taxation everywhere"; and that "the single aim of the government in taxing opium will be in the future, as it has always been in the past, to repress the traffic, never the desire to gain revenue from such a source—having failed to kill a serpent, who would be so rash as to nurse it in his bosom?" Frequent references have been made to the fact that opium was, in the year in which this letter was written, produced in the province (Chihli) over which its writer wielded autocratic power, in the province (Anhwei) in which lay his enormous estates and in which he and his family exercised predominating influence, and that it was produced even on those estates. These statements are true; but, notwithstanding the great wealth which he accumulated in his official career, none have denied that Li Hung-chang was an able and far-seeing statesman. He may well have been as sincere as was Lin Tse-sü in 1839 in his desire to suppress the use of opium; but as a statesman he was doubtless not disinclined to use the agitation to obtain the increased revenue which his country needed. By this time, however, there was clearer knowledge on the production of Chinese opium, estimated at from two to four times the highest figure of the foreign import [40]; so that, while China was calling on England to sanction measures for restricting the importation of foreign opium, many even among the

[39] Li Hung-chang to Mr. F. S. Turner, secretary of the Anglo-Oriental Society for the Suppression of the Opium Trade, Tientsin, May 24th, 1881; cited in Mr. Young to Mr. Frelinghuysen, Oct. 10th, 1882, U.S. For. Rel., 1883, p. 128.

[40] H. B. Morse, "The Trade and Administration of China," p. 360; report of consul W. D. Spence, April 15th, 1882, Corr. resp. Chefoo Convention, 1882, p. 25.

well disposed in England demanded that China should prove her honesty by first reducing the home production.[41]

§ 12. The American government lent its aid to support the Chinese cry against the opium trade. In 1880 a commission was sent to Peking to negotiate a convention regulating the immigration of Chinese into the United States,[42] and, to attain its end, negotiated and signed two treaties. By one the American object was secured; the other frankly accepted the Chinese view on several commercial questions.[43] In the latter the American government agreed to prohibit dealing in opium by American merchants and the conveyance of opium by American ships; and, though opium was conveyed by American ships during the Franco-Chinese war, 1884-85, the necessary authority to enforce the treaty was ultimately given by act of congress approved February 23rd, 1887. The opium prohibition was obviously the price paid to secure an object which the American government considered of the highest importance.[44]

§ 13. A complication was introduced by a question of minor importance, the taxation by the Chinese of opium after it had left the importer's warehouse, but while it was still within the limits of the foreign settlement—a question chiefly concerning Shanghai with its large Chinese population.[45] In the early days the foreign envoys had asserted the right of the Chinese authorities to impose taxes, even a poll tax, on Chinese subjects resident in the settlements at Shanghai; but the foreign community

[41] "But those behind cried Forward,
And those before cried Back."

[42] Cf. chap. viii, § 18.

[43] Treaties, i, p. 532.

[44] In the course of eight despatches, between Sept. 27th and Nov. 17th, 1880, sent by the commission to the State Department on the subject of the treaties, the only reference to opium is contained in the following paragraph:

"Our discussion was therefore confined to the articles indicated above. When they had been perfected the Chinese commissioners submitted a proposition, which we had, from information received, been expecting, but of which they had so far given no sign. This was the prohibition of trade in opium to citizens of the United States. We knew that the Chinese government was very anxious to introduce such an article in any new treaties which they might make."—The commission to Mr. Evarts, Nov. 17th, 1880, U.S. For. Rel., 1881, p. 198.

[45] Within the settlement limits, and not including the adjoining city and its suburbs, 175,000 in 1885 and 700,000 in 1910.

was successful in resisting the claim.[46] On opium, however, the representatives of the foreign powers continued to concede to the Chinese government full right to "impose such taxation as it might see fit," even within settlement limits [47]; while the Chinese had waived this right for other imports.[48] The tax on opium was generally, but not regularly, collected,[49] until, after the signature of the supplementary article,[50] the Shanghai community took a stand against its collection. The officials collecting the tax received a licence from the Taotai; and, to secure exemption from interference by the municipal police, these licences were countersigned by the senior consul. The municipal council repeatedly protested, but for some time the consuls upheld the views of the diplomatic body at

[46] Cf. chap. vi, §§ 15, 16.

[47] Referring, not only to opium, but to all goods, the British Board of Trade laid down that "both at the port and at the internal market, when once the goods have passed out of [the importer's] hands, they must take their chance in common with native goods, and bear whatever impositions the rapacity or necessities of Chinese administration may inflict."—Letter of Sir L. Mallet, May 19th, 1869, cited in Report by Sir T. Wade, July 14th, 1877, corr. resp. Chefoo convention (China No. 3), 1882, p. 47.

In the same blue-book Sir T. Wade refers in several places to the right to tax opium wherever found:

"Our imports, opium excepted, should be free to be sold on payment of tariff, without imposition of other taxation, until they are sent for sale to an inland centre."—Report, p. 49.

"At Shanghai . . . opium, on which, as I contend, the Chinese have a right to lay likin taxation."—Report, p. 49.

"On opium . . . art. iii but secures to the Chinese government what it is entitled to."—Report, p. 51.

"I do not allow opium the same right of exemption from taxation."—Report, p. 57.

"I have excepted opium from the list of imports illegally taxed, because it does not possess under treaty the same rights as the rest of our imports."—Sir T. Wade to Viceroy of India, Feb. 16th, 1879, p. 69.

"The Chinese . . . had as much right to lay a likin on opium in the settlement or any larger port area, as they had no right to lay it upon other articles of the import trade."—Same to Lord Granville, June 3rd, 1882, p. 77.

"Once the drug had passed into Chinese hands, the Chinese government was free to impose what taxation it pleased upon it."—Same to Prince Kung, Jan. 13th, 1882, p. 86.

" . . . the port settlements, within which the Chinese government was undoubtedly free to levy likin on opium."—Same to Lord Granville, June 3rd, 1882 (2nd despatch), p. 93.

[48] Tsungli Yamen to Sir T. Wade, Jan. 19th, 1880, corr. resp. Chefoo Convention, 1882, p. 6.

[49] "This tax [likin on opium] has for some time been collected within the area of the concessions, notably at Shanghai."—London and China Telegraph, Jan. 22nd, 1881.

[50] Cf. postea, § 14.

Peking; finally, on November 18th, 1885, the committee of consuls yielded and withdrew their assent to the licences which had been issued.[51] The Chinese authorities then proposed to pay the municipality Tls. 100,000 a year for recognition of the right to levy likin on opium within the settlement, but the offer was rejected.[52]

§ 14. By the Chefoo convention [53] opium was recognised as liable to treatment "different from that affecting other imports"; on import it was to be bonded; the importer was to pay customs duty, and the purchaser likin; and "the amount of likin to be collected will be decided by the different provincial governments according to the circumstances of each." This left the amount of likin at the discretion of the Chinese government, while it was to be paid entirely by Chinese subjects; and this was fully recognised by the British envoy.[54] The discussion was continued through several years. The Grand Secretary Tso Tsung-tang proposed likin at the uniform rate of Tls. 120 a picul; in various conversations the Grand Secretary Li Hung-chang reduced this to Tls. 90, and then to Tls. 80, and once [55] came down to Tls. 60; these rates being in addition to the import duty. In Sir T. Wade's own opinion the best plan would be to increase the import duty by a half, to Tls. 45 [56]; but, if the customs were to collect duty and likin simultaneously on entry, then he contended that likin at Tls. 40 would give China her present revenue, and Tls. 50 would be generous [57]; in the end, however, he agreed to support a likin rate of Tls. 70 a picul.[58] In 1883 there were negotiations in London, in which Sir T. Wade took part

[51] North-China Herald, Nov. 25th, 1885.

[52] Ibid., Feb. 17th, 1886.

[53] Section III, iii.

[54] Report by Sir T. Wade, July 14th, 1877, corr. resp. Chefoo convention, 1882, p. 56; Sir T. Wade to Lord Granville, June 15th, 1881, *ibid.*, p. 16.

[55] "After two years' incessant debate I have found 60 taels the minimum offer which, in any responsible official's opinion, it would be worth the while of the Chinese government to close with. I believe that this would have been assented to last summer had I named it."—Sir T. Wade to Lord Granville, June 3rd, 1882, *ibid.*, p. 93.

[56] Ibid., p. 79.

[57] Ibid., pp. 88, 93, 97.

[58] Tsungli Yamen's instructions to Marquis Tseng, 1882, in Boulger "Halliday Macartney," p. 403.

[59]; and on July 18th, 1885, Lord Salisbury and the Marquis Tseng signed at London an additional article to the Chefoo convention,[60] by which all opium was, on arrival at a Chinese port, to be placed in a bonded warehouse, and on removal therefrom was to pay import duty Tls. 30 and likin Tls. 80 a picul, being thereafter free from all taxation in China. In connexion with this arrangement it was provided that the commission "to inquire into the question of the prevention of smuggling into China from Hongkong" was to be appointed as soon as possible.[61]

§ 15. Hongkong is an island, as close to the mainland of China as is Staten Island to that of New Jersey, and much closer than the Isle of Wight is to England. The eastern entrance to the harbour is only six hundred yards wide, and, until 1899, its northern shore was under Chinese jurisdiction; while all along the northern side ships (junks or others) could slip from the security of British waters into Chinese waters at any point with the utmost facility. Hongkong then—not only the town of Victoria, but the whole of the 29 square miles of the island and the two square miles of the Kowloon extension—inevitably became the centre of an active smuggling trade.[62] Opium, with its great value in small bulk, was extensively smuggled; and so was salt, which was cheap in Hongkong, and in China was the subject of a strict government monopoly, by which it was sold at a high price. But the Chinese do not scorn small profits, and there was much smuggling of general commodities, though the Chinese customs duties did not amount even to the nominal 5 per cent. of the treaty tariff.

§ 16. It was not the policy of the British government to allow, either to the treaty ports or to Hongkong, a status which would deprive the Chinese government of its legitimate revenue. At Hongkong, in 1841, it was arranged that duties were to be paid to China "as if the trade were conducted at Whampoa." [63] Lord Palmer-

[59] Tsungli Yamen's instructions to Marquis Tseng, 1882, in Boulger, "Halliday Macartney," p. 410.

[60] *Treaties*, i, p. 308.

[61] *Add. art.*, § 9.

[62] Cf. "Conflict," chaps. xii, § 16, xxiv, § 6.

[63] *Ibid.*, chap. x, § 14.

ston saw some difficulty in an arrangement by which a Chinese official should collect Chinese duties in Hongkong; but, citing some "similar instances in Europe of duties collected in the territory of one power by the agents of another power," he saw some advantage to Hongkong in the possible adoption of such a procedure in that island.[64] The British representative in China, Sir H. Pottinger, did not adopt the suggestion, but he enacted a rule by which such reports of ships and their cargoes should be sent to the Chinese authorities as would enable them to check smuggling.[65] The Chinese threw away this help by their own ineptitude [66]; but Sir H. Pottinger "informed the merchants of Hongkong that the purpose of the colony was to serve as a bonded warehouse for the storage of British goods until they could find their Chinese market." [67] The events of twenty-five troubled years established more firmly, however, the free-trade character of the port, and, in the treaty of 1858, "Hongkong was not even mentioned; it was a British port and was to be treated on the footing of any other foreign port." [68] From that date the Hongkong merchants consistently maintained the free-port status of the colony—free from all duties, and free from all supervision and control.

§ 17. Outside the waters of Hongkong, fiscal jurisdiction was exercised by the Canton Hoppo,[69] who was head of all the customs offices in the province of Kwangtung. The customs duties—and their evasion—concerned him, partly as representing his government, but much more in the interest of his own pocket. From the smuggling of opium alone [70] it is estimated that in 1885 the revenue lost half-a-million taels a year, and from other evasions of duty the Hoppo's personal loss was much more. Whether the loss fell on his own pocket or on the public purse, the obvious course for the Hoppo to adopt was to establish preventive stations along the short land frontier, and to

[64] Lord Palmerston to Sir H. Pottinger, May 31st, 1841, "Conflict," Appendix K.

[65] "Conflict," chap. xi, § 17.

[66] Ibid., chap. xii, § 16.

[67] Ibid.

[68] Ibid., chap. xxiv, § 6.

[69] For the Hoppo, cf. "Conflict," chap. i, § 17; chap. ii, §§ 9, 10; chap. iv, *passim*. For the Chinese fiscal system, *ibid.*, chap. ii, *passim*.

[70] H. B. Morse, "Trade and Administration of China," p. 351.

patrol by armed boats the circumjacent waters within his jurisdiction. The latter method was the more obnoxious to the Hongkong merchants, inasmuch as it imposed some check on their free-port privileges, and the cruising of the patrol boats was always referred to as the "blockade of Hongkong." [71] In general the Hoppo's right to introduce this patrol was fully admitted by all responsible British ministers, both at the Foreign Office and in Peking, [72] and was denied only by those connected with the administration of the colony; and exception cannot possibly be taken to the case for the Chinese authorities, stated by Sir R. Hart in the following terms : [73]

"1°. The collection of revenue from goods carried in Chinese ships in Chinese waters is a matter in which China is competent to legislate and take action without consulting any one.

"2°. The British government has declared that, so long as China does not take action in Hongkong and does respect what can fairly be styled British waters, the colonial authorities cannot interfere with the proceedings of the Canton officials.

"3°. Neither governor at Hongkong nor consul at Canton will be supported in any steps they may take, to suppress the opium stations, against the wish of the Chinese officials."

§ 18. Whatever the abstract right in the matter, a Chinese administration must always be attended by abuses, from intention or from laxity of procedure; and these forced themselves on the notice of the Hongkong community, and intensified the objection to the blockade. To remedy the laxity and impose a restraint on evil intention, the co-operation of the Inspectorate of customs was called in. Mr. Hart had a very clear idea of the limitations within which the service should work. "The position of the Foreign Inspectorate is of such an anomalous character that we should be careful to keep its angularities in the background, rather than to make them prominent";

[71] Eitel, "Europe in China, the History of Hongkong to the year 1882," pp. 415 (1867), 460 (1868), 502 (1872), 552 (1877), 569. For a repudiation of the charge of smuggling, *ibid.*, pp. 198, 419, 569.

[72] *Ibid.*, pp. 419, 503, 553.

[73] Hongkong [official] Civil Service List, 1906; sub 1867—"Commencement (Oct. 15th) of what was henceforth known as Blockade of Hongkong; Chinese cruisers patrolled neighbouring waters levying tax on junks trading with non-treaty ports; this was at first supported by British representative at Peking as means of checking smuggling from Hongkong."

[73] R. Hart to E. C. Bowra [commissioner at Canton], Jan. 12th, 1872.

and therefore care should be taken not to interfere in the legitimate work of Chinese officials, great or small, especially when the service was invited to take action away from the treaty port.[74] Later, however, in 1871, he was prepared to lend his co-operation, but, even then, was not given a free hand.

"The [Tsungli] Yamen does not want to range itself, outspokenly, on the side of fraud and corruption; it does not want to range itself on our side against local officials; and it hopes that, sitting on another stool, it won't fall to the ground. . . . If you can arrange that our staff is to do the work, well and good; if the Hoppo is too strong for you, and won't let us have anything to do with it, well and good. . . . The steamers must keep out of Hongkong and Macao waters, and must be very careful." [75]

§ 19. Even yet Mr. Hart was not anxious to assume the responsibility. "It is only the addition to our collection that I care for; in other respects it is immaterial who does the work, and, as it will be very unpopular work, I am half inclined to let the Hoppo do it himself." [76] His position was very delicate—"Mr. Wade is with us, the [British] Board of Trade is with us, the Foreign Office is with us, and we may therefore safely infer that [the Hongkong authorities] cannot do much against us. The circumstances are of a peculiar kind, and the *blockade* interpretation of a revenue necessity will not stand." [77] Later he wrote—"I would rather collect [the duty] than let the Hoppo do it; but I would rather see the work done by the Governor General than by myself." [78] The viceroy was not inclined to manœuvre against an official with such strong palace backing as the Hoppo, who took rank "with but after" himself; and with the customs reluctant to adopt a forward policy, the man in possession remained in possession, and the stations around Hongkong and Macao continued to be under the control of the Hoppo. The customs, however, co-operated to the extent of putting foreign officers on board the steam cruisers, with no control or responsibility, but charged with the duty of restraining them from committing illegal actions.

[74] Same to G. B. Glover [commissioner at Canton], April 29th, 1867.

[75] Same to E. C. Bowra, Feb. 9th, 1871.

[76] Ibid., Feb. 2nd, 1871.

[77] Ibid., March 7th, 1871.

[78] Ibid., March 23rd, 1871.

§ 20. The Hongkong community continued to have a feeling of exasperation at this interference with a trade which, it was contended, was "not a smuggling trade, but a judicious avoidance of a port (Canton) where extra charges were made" [79]; and protests were renewed.

"Now that Sir R. Macdonnell [80] is back, more serious notice will be taken of the customs doings anent opium, etc. We can only wait to see what will come of it; meanwhile let the Hoppo keep his stations in existence, and let him remember that the English Foreign Office has officially stated that, so long as action is not taken in Hongkong or Hongkong waters, China cannot be interfered with in the steps she may take to collect dues, duties and taxes from Chinese subjects." [81]

In 1874 when a case of alleged infringement of Hongkong waters by a Chinese cruiser was withdrawn from the jurisdiction of the Supreme Court at Hongkong, it was "to the great regret of the Chief Justice and the whole community" [82] that the withdrawal was permitted. In 1875 the Foreign Secretary, Lord Carnarvon, at first upheld the previous attitude of the British government against the views of Hongkong, but later in the same year "formally renounced" his former policy [83]; but, in 1879, it was still declared by Sir T. Wade that "the blockade stations would not be removed by the Chinese until the colony devised some scheme by which the Chinese government could collect the revenue fairly due to them." [84] This was held in Hongkong to be a demand "to sacrifice the freedom of the port in order to gain the removal of the blockade." [85]

§ 21. A joint commission was appointed in June, 1886, consisting of Mr. Byron Brenan, British consul at Tientsin, and Mr. James Russell, Puisné Judge at Hongkong, for England; and Sir R. Hart and the Taotai Shao Yu-lien, for China. Their task was to arrange for the co-operation of Hongkong in carrying out the provisions of the additional article, and to secure for Hongkong its freedom from the

[79] Eitel, "Europe in China," p. 460.

[80] Governor of Hongkong.

[81] R. Hart to E. C. Bowra, Dec. 30th, 1871.

[82] Eitel, *op. cit.*, p. 503.

[83] *Ibid.*, p. 504.

[84] Statement by Sir T. Wade at conference, Dec. 1879, with Hongkong chamber of commerce, *ibid.*, p. 553.

[85] *Ibid.*

obnoxious blockade; China's aim was the first, and Hongkong's the second. To obtain the first Sir R. Hart and his colleague relied on two factors—the desire to end the blockade and the English sense of fair play; but in the end they had only the latter to appeal to. With a keen anticipation of coming events, the Hoppo, animated by a desire to reduce expenses, had put down his cruisers and taken the edge off his blockade, as soon as the government at Peking had decided to pay that price for co-operation in its opium policy. Several plans were considered. In 1882 Mr. Samuel proposed that all opium sold in India should be sold to him, and that he would pay to the Chinese government the statutory duty and likin on all that reached China [86]; and a little earlier Li Hung-chang had memorialised the throne proposing that a Chinese company be chartered, with a capital of twenty million dollars, and given a monopoly of buying all opium for export to China.[87] These were possibly two faces of one scheme; two or one, they had been shelved. Sir R. Hart proposed at Hongkong that all opium arriving in the colony should be deposited in a bonded hulk, to be delivered only to the Hongkong opium farmer or on payment of Chinese taxes; but this, it was argued, would encourage smuggling into the colony, which had no machinery for checking it. Finally, on September 11th, it was agreed that Hongkong should prohibit the possession (except by the opium farmer) or the import or export of “opium in quantities less than one chest,” and should report all movements of opium. In consideration of this, China was to “arrange with Macao for the adoption of equivalent measures”; the junk trade, for opium and general cargo, was to be under an office of the Inspectorate of customs “to be established on Chinese territory,” and was to be subjected to no differential duties; opium from Hongkong, having paid its Tls. 110 a picul, was to be “free from all further imposts of every sort”; and disputes were to be settled by the proposed customs office, and, if desired, under the rules for joint investigation.[88]

[86] Sir T. Wade to Lord Granville, June 3rd, 1882, corr. resp. Chefoo conv., 1882, p. 76.

[87] London and China Telegraph, Dec. 5th, 1881.

[88] Memorandum of the bases of agreement, Sept. 11th, 1886, MS. in author's possession.

§ 22. The opium arrangements worked well for both sides. To Hongkong the gain was chiefly from the check imposed on smuggling, with its demoralising influences and the injury done to honest traders; but the revenue of the colony also benefited. From the opium farm let during ten years prior to 1886, the treasury received an annual average of \$173,000; and for the twelve years 1889-1900 an annual average of \$364,000; these figures indicate a more effective control rather than increased consumption in Hongkong, but the increase came partly from the practical monopoly of smuggling into China which was now secured by the opium farmer. The gain to China may be measured by the recorded import into ports in the Canton delta, paying duty to the imperial government, at dates before and after the arrangement was made:

	Pls.		Pls.
1881 . . .	211	1887 . . .	10,256
1883 . . .	530	1889 . . .	16,684
1885 . . .	2,761	1891 . . .	16,113

The difference represents opium, of which some at least had formerly been smuggled, and none had contributed to the imperial exchequer. But to China the greatest gain accrued from the transfer, which came a year later, of the vast junk trade with Hongkong from the corrupt medieval Hoppoate to the control of the Inspectorate of customs, subordinated directly to the central administration.[89]

§ 23. The compact with Hongkong was made dependent on an equivalent arrangement being made with Macao. But, while Hongkong had been formally ceded to England and was a British possession, Macao was Chinese soil, held by Portugal through an act of usurpation [90]; and Macao claimed jurisdiction over an extent of water larger even than in the corresponding case at Hongkong. These extravagant claims were advanced by the Macao authorities, and not always supported by the government at Lisbon [91];

[89] Cf. *postea*, § 25.

[90] Cf. "Conflict," chap. iii, §§ 4, 5, 6; chap. v, §§ 9, 14, 28; chap. xii, §§ 3, 18-23.

[91] "The Governor of Macao is an amusing despatch writer; but, as his government has told him not to interfere with Chinese work on what is incontestably Chinese soil (or water), your course is clear. It's easy for

and they were always resisted by the Canton authorities, who sometimes, however, lost a favorable chance through excess of caution shown either at Canton or at Macao.[92] The Peking government firmly and consistently refused to recognise the Portuguese claim to sovereignty over Macao and its waters,[93] and this attitude was supported by the people and by officials of all ranks, who had also supported the refusal of the Peking government to ratify the first Portuguese treaty of 1862.[94]

§ 24. Portugal was now in a position to demand her price. Mr. J. D. Campbell again went on a diplomatic mission to Lisbon, as Sir R. Hart's representative; and, on March 26th, 1887, a protocol in four articles was signed: 1°. a treaty "with most favoured nation clause" was to be concluded; 2°. Macao with its dependencies was to be ceded to Portugal; but, 3°. was not to be alienated by Portugal without agreement with China; 4°. Macao was to co-operate in opium work in the same way as at Hong-kong.[95] Portugal then sent as special envoy Thomas de Souza Roza, and, on December 1st, he signed at Peking a treaty of amity and commerce carrying out the provisions of the protocol.[96] Though signed on the Chinese side by the high ministers of state commissioned thereto, this

the Hoppo, who has no ti-fang [territorial] responsibility, to breathe war and be against compromise. He's a wise man who is content to gain the real end for which his measures are first taken, and compromise is better than shelling—so long as you get your duty on opium. The thing will right itself; it will find its position of stable equilibrium if you (the Hoppo I mean) don't topple it over by too much fingering."—R. Hart to E. C. Bowra, Aug. 18th, 1871.

[92] In 1878 the Portuguese authorities seized a Chinese customs launch passing through Macao harbour, for the technical offence of not reporting to the harbour master, the launch master having thought that formalities had been complied with. The Canton viceroy was advised by the Canton commissioner to send gunboats to take the launch out of Macao by force. The viceroy was eager to follow the advice, but must first refer to Peking. [The telegraph then open only to Shanghai.] The next day the Portuguese released the launch.—Personal statement to author by Mr. W. Cartwright, the commissioner referred to.

[93] "And as regards Macao, don't let the Gov. Genl. do anything that could be interpreted to mean or involve a recognition of Portuguese sovereignty. At the Mo-tao-men and other points, such steps can be taken as shall prevent a single junk or passage-boat from visiting Macao, and that measure can be resorted to without difficulty, if necessary."—R. Hart to E. C. Bowra, Dec. 30th, 1871.

[94] Cf. chap. vi, § 5.

[95] Treaties, ii, p. 1009.

[96] Ibid., ii, p. 1010.

treaty, and the protocol on which it was based, were the work of Sir R. Hart, and they struck a serious blow to his reputation. He had won much credit among Chinese and Manchu statesmen for his share in negotiating the Alcock treaty of 1869 and the Wade convention of 1876; this credit had been greatly increased by his diplomatic action in ending the trouble with France in 1885, and by his arrangement with Hongkong in 1886. Now, however, he had required China to pay a humiliating price for a mere commercial advantage; and the Chinese among the statesmen of the empire never forgave him for the alienation of Macao.[97]

§ 25. The blockade of Hongkong continued, and the next step was to bring it under the effective control of the "offices of the Inspectorate of customs" which were to be established just outside Hongkong and Macao. In May, 1887, Sir R. Hart proposed to the Tsungli Yamen an arrangement [98] by which all Chinese junks trading with the two colonies should be under the two new customs offices; those trading with treaty ports paying all customs duties, those trading with non-treaty ports paying a Chinese import duty on leaving and a half transit duty on arriving. This plan was approved [99] and came into force from July 1st. The Kowloon (Hongkong) and Lappa (Macao) customs were opened; but, for the convenience of the British and Portuguese administrations and of the respective mercantile communities, their head offices were set, not "just outside," but within the two colonies and have remained there. The blockade was maintained, but under effective control; the traffic between China and the colonies was taxed for the benefit of China; and trade has profited, thus realising Lord Palmerston's ideal of forty-five years before.[100] Moreover China benefited. The Hoppo's wings were clipped a second time,[101] his loss of

[97] This, to the author's personal knowledge, was the case with the three who, during the next twenty years, were the leaders among the Chinese viceroys, Li Hung-chang, Chang Chih-tung, and Liu Kun-yi.

[98] I.G. circ., May 31st, 1887.

[99] Ibid., June 6th, 1887.

[100] Cf. *antea*, § 16.

[101] "You will see . . . that we have put another nail into the coffin of the Hoppoate. The officials concerned oppose the transfer most vigorously, but the Chi-yeh [the Seventh Prince, father of the emperor] and the Empress [Dowager] ordered it: and now we shall gradually get

revenue being only less than on the first clipping, in 1842, when he lost his monopoly of foreign trade; and the imperial administration received a large increase of exactly reported revenue.[102]

§ 26. This chapter may fitly close with a curt summary of four eventful years given in a private letter from Sir R. Hart to a friend and colleague.[103]

"You will be glad to get a holiday after so long a spell of statistical work: I am sure I hope you will enjoy it! You will carry off with you your own history of the emotions of an exciting time: the Fournier convention—the Tseng negotiations at Shanghai—the Pagoda fight—capture of Kelung—seizure of Feihoo—Tamsui repulse—capture of Pescadores—recapture of Langson—Ferry's fall—sudden peace—Tientsin treaty—Courbet's death—Tongking to France and Burma to England—I.G. to be B.M. (and B.M. to be I.G.)—Korean customs—Port Hamilton—Hongkong Commission—Opium likin—Kowloon and Lappa—telegraph and railway—Formosa—Macao (Lisbon Protocol, etc.)—Syndicates—the French at Port Arthur and Mitkiewicz at Tientsin—the Jubilee—the Hongkong banks—births, deaths and marriages—etc., etc., etc. ! For us exiles there has been plenty to think about, has there not, and most of it destined to live in history, too !

Do the darkness and terror plot against you ?

We also plan ;

They that love you are stronger than your haters.

Trust God, Oh man !"

a hold of more work and put statistics and revenue on a better—though far from perfect—footing. I have had my eye on these junks for a quarter of a century, I may say, and now at last we have got hold of them. The twisting and turning of the old gentlemen who wanted to retain the junks was at once amusing and aggravating: I pity them, but we can't let abuse stand in the way of reform."—R. Hart to E. B. Drew, June 11th, 1887.

[102] Including duty, likin and chingfei, the collection of the Kowloon and Lappa customs in 1888 was Tls. 1,044,868, and was thereafter maintained between three-quarters-of-a-million and a million taels.

[103] R. Hart to E. B. Drew, Aug. 10th, 1887.

CHAPTER XIX

THE YEARS OF PEACE, 1886-1894, AND THE DEVELOPMENT OF TRADE

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§ 1. CHINA of the Han dynasty compared not unfavorably with the Roman empire; the Tang dynasty was a period of great splendour, during which Chinese civilisation was superior to that of contemporaneous Europe, in the two or three centuries anterior to Charlemagne and

Alfred ; Marco Polo the Venetian, visiting Cathay at the end of the thirteenth century, recorded his impressions of a state of progress in administration, commerce, banking, the arts, and commodiousness of living, which excited his admiration, coming though he did from one of the most progressive states of Europe ; and, even in the years just before and just after 1800, the state of the empire produced a highly favorable impression on such intelligent observers as Lord Macartney and Lord Amherst and the historians of their missions. But this civilisation was arrested and denied all progress ; and, from the accession of Kiaking in 1796, the empire was cursed with a succession of weak emperors, under whose rule the administration became corrupt and morals degenerated ; until finally the devastation of the Taiping rebellion reduced the nation to a state of misery and anarchy, from which nothing but a firm and honest administration could have rescued it. Firmness and honesty were both lacking, and China slumbered.

§ 2. China's Western friends looked forward to her awakening from this slumber, but it was without much hope. In 1865 one of them wrote :

"The Taipings are nowhere, and, although mounted robbers still prowl about . . . the work of reconstruction goes on favorably, and the country enjoys greater general quiet than it has had for a dozen years. The dynasty is safe, provided it has no foreign foe to deal with, and the force of circumstances, rather than any wisdom of their own, will force the higher officials to make some few advances in the direction that we occidentals consider the right one. . . . The execution here is, as you know, as weak as the deliberative body is timid. . . . The government cannot stand another fight with the foreigner, and it is seemingly powerless to effect what the foreigner wishes it to do, in the provinces ; the foreigner may possibly try to do what it leaves undone, and, in that case, there will be a grand smash." [1]

By the beneficent action of the co-operative policy of the foreign envoys in the years 1862-68, the grand smash was avoided ; but the awakening was still delayed, partly through the impossibility for Chinese officials to come to any definite decision, partly from their reluctance to disturb a system which provided their large emolu-

ments.[2] Still there were signs that the awakening was coming—some day.[3]

§ 3. The Marquis Tseng (Ki-tse) had made a great reputation as a diplomat during his seven years' tenure of his post as envoy to England and France, and in his special mission to Russia. He returned to Peking at the end of 1886, and was appointed vice-president, at first of the ministry of Works, and later of the more important ministry of Revenue; and was also appointed a member of the Tsungli Yamen. Much was expected from his ability and his knowledge of foreign affairs, and it was thought by many that he would replace Li Hung-chang as China's principal agent in diplomacy, and by some that he might succeed Sir R. Hart as head of the customs, either alone or with a foreign colleague; but he died in 1889.[4] Before leaving London he wrote, with the collaboration of Sir Halliday Macartney,[5] and published a review article entitled "China: the Sleep and the Awakening." [6] In it he reviewed the present state of China, as seen by patriotic Chinese, and ended with a forecast of her future policy.

"It is easier to forget a defeat than the condition of things resulting from it. . . . Any soreness which China may have experienced on account of events in 1860 has been healed over and forgotten long ago, but it is otherwise with the treaties which were then imposed on her. She had then to agree to conditions and give up vestiges of sovereignty which no independent nation can continue to agree to, and lie out of, without an attempt to change the one and recover the other ;"

and he instanced the case of Russia, which had submitted to humiliating conditions in 1856, but had denounced them in 1871.

[2] "How do the Shupan manage to pay so much for their billets in the Yamen? I have not yet unravelled the secret of Chinese official wealth—is it the people that are squeezed or the Emperor who is cheated? and if the former, how can they stand it and if the latter, surely headquarters must know all about it."—R. Hart to H. Kopsch, March 26th, 1875.

[3] "I think China is waking up, but it is still very early in the morning with her, and she is rubbing her eyes and yawning rather than waking as yet."—R. Hart to E. B. Drew, Aug. 27th, 1881.

[4] Boulger, "Sir H. Macartney," pp. 431 seq.; North-China Herald, Jan. 5th, 1887.

[5] Boulger, *op. cit.*, p. 431.

[6] Asiatic Quarterly Review, Jan. 1887; reprinted in U.S. For. Rel., 1887, p. 197.

"In the alienation of sovereign dominion over that part of her territory comprised in foreign settlements at the treaty ports, as well as in some other respects, China feels that the treaties impose on her a condition of things which, in order to avoid the evils they have led to in other countries, will oblige her to denounce those treaties on the expiry of the present decennial period."

He foresaw difficulties, but he wished to avoid for China the fate which had befallen Egypt.

§ 4. The administrators of China were quite satisfied with the existing conditions, and no call came from them to arouse the nation from its slumber. In one respect, however, they saw that the empire bore a distinguishing mark which relegated it to a lower plane among the powers of the world. The emperor had his armorial bearings, the dragon, indicating his kinship to the heavenly power, but for two thousand years the empire had had no national ensign. In 1862 the want was supplied by the adoption for this purpose of a triangular yellow flag bearing a dragon, generally blue but with green trimmings, looking up to a red globe representing the sun.[7] In 1889 the triangular shape was changed to quadrangular, and China proudly took her proper place among the nations.

§ 5. Reference has been made [8] to the steady refusal of the Chinese ministers to provide for the needs of the government by loans, even in times of great stress. Chinese officials must of necessity be expert bankers, and none realise better than they that a day of reckoning is inevitable, and that debts must be paid. During the last half century of their history they had set before them the examples of Turkey and of Egypt; and, as long as they were free agents, their one aim was to keep their country out of the condition to which the two others had been reduced; and this they were able to do until their hand was forced by the indemnities imposed on China in 1895 and 1901. At no time has China been able to make internal loans, since her people have never trusted her administrators. Examples of this inability were common during the last half century, notably one at Canton in 1895. The viceroy, Chang Chih-tung, then wished to make an internal loan for five million taels at 8·4 per cent.

[7] Cf. chap. ii, § 10.

[8] Ibid., xv, § 4.

"The prospectus and bonds stipulated that the bonds, to bearer, should be countersigned by the commissioner of customs at Canton; the proceeds of the loan be received by him; the monthly instalments paid into banks to his order; the coupons and drawn bonds paid by his cheque; the register to be kept and bonds cancelled by him; and that, in case of default, the bonds should be received by him at face value in satisfaction of customs duties. The Chinese government recognised that the Chinese public would not trust its agents of the official hierarchy, but would trust the commissioner, and the loan was a success." [9]

Other loans were foreign loans, and, until 1895, were insignificant in amount.

§ 6. This period of slumber in the administration was one of lethargy in commerce, in which the foreign traders alone were enterprising and the Chinese merchants made no attempt to develop their trade. Railways, which will be considered later, [10] were resisted by the official world, and finally were rather imposed on China than adopted by her. Steamers were introduced by one enterprising Chinese, Tong King-sing, [11] whose company received government support; but, until after 1895, there were few other steamers under the Chinese flag. Foreign shipping, however, continued to develop; in the foreign trade this was natural; but in the home trade ships under foreign flags displaced year by year a greater number of Chinese junks and the tonnage employed increased by bounds. The tonnage of ships entered and cleared at offices under the Inspectorate General of customs is shown in the table on the opposite page.

§ 7. In that table the Chinese shipping entered and cleared at Chinese ports makes a poor showing. Its share in the foreign trade, except with Hongkong and Macao, is insignificant. In the coasting trade the acquisition by purchase in 1877 of the fleet of a great American company made its share considerable; but even in 1912, when the figures include the junk trade with Hongkong, and from Ichang to Chungking, its tonnage was only 20 per cent.

[9] H. B. Morse, "Trade and Administration of China," p. 387.

Information on this loan came to the author from Mr. E. B. Drew, the commissioner who organised it and signed the bonds; further the author had, in 1903, the custody of the records and paid off the last bond to be presented.

[10] Cf. "Subjection," chap. iv.

[11] Cf. *ante*, chap. xv, § 8.

TONNAGE OF SHIPS ENTERED AND CLEARED AT OFFICES UNDER THE INSPECTORATE GENERAL OF CUSTOMS

	1864.	1874.	1883.	1893.	1903.	1912.
Foreign trade	—	1,742,977	4,029,840	7,142,612	16,357,104	26,071,482
Coasting trade	—	7,562,824	13,560,074	22,176,199	40,933,285	60,135,015
Total	—	9,305,801	17,589,914	29,318,811	57,290,389	86,206,497
Steamers	—	8,085,716	16,419,043	22,277,050	55,930,221	81,203,082
Sailing vessels	—	1,220,085	1,170,871	1,041,761	1,360,168	5,003,415*
Total	—	9,305,801	17,589,914	29,318,811	57,290,389	86,206,497
British	2,862,214	4,738,793	11,003,296	19,203,978	28,122,987	38,106,732
German	580,570	530,377	774,017	1,508,015	7,310,427	6,171,684
American	2,609,390	3,184,360	150,703	78,175	559,086	715,001
French	93,099	137,253	181,056	259,687	1,178,200	1,634,468
Norwegian	38,195	22,507	46,053	140,173	1,136,056	1,121,785
Japanese	756	480	194,861	566,379	7,965,358	19,913,385
Other foreign	396,673	197,784	298,200	732,454	1,106,466	1,296,035
Chinese	64,588	494,237	4,941,728	6,820,950	9,911,209	17,277,407*
Total	6,635,485	9,305,801	17,589,914	29,318,811	57,290,389	86,206,497

N.B.—In 1913 trade was disorganised by the revolution.

* Including 4,404,309 tons of Chinese junks entered at the customs.

of the total. American shipping lost by the same sale in 1877, and from a position of close rivalry with the British, its tonnage fell to small proportions. British shipping supplied more than half the total tonnage until after 1895; then, while in absolute amount British tonnage doubled in the twenty years 1893-1912, the proportion fell to 44 per cent. of the total. From 1900 Germany made a strong bid for a share in the coasting trade, and the tonnage of German shipping rose from under 5 per cent. of the whole in 1899, to 13 per cent. in 1903, and 7 per cent. of the larger total of 1912. Japan entered the field in 1898, her proportion of the whole being 2 per cent. in 1897, and 4.6 per cent. in 1898; this proportion increased to 14 per cent. in 1903 and 23 per cent. in 1912. In the latter year 10,116,537 tons of British and 5,951,756 tons of Japanese shipping were engaged in the foreign trade, and 27,990,195 tons of British and 13,961,629 tons of Japanese shipping in the coasting trade.

§ 8. No survey of the trade of China would be complete without some consideration of Hongkong, which, though politically a foreign port, is yet a distributing centre for southern China much as Shanghai is for northern and central China, and which should therefore be included in the commercial area. But Hongkong publishes no statistics of the movement of goods, and no account can be taken of its trade; it can only be said that China receives through Hongkong a quantity of merchandise which is about half the quantity received through Shanghai. The colony publishes, however, statistics of shipping, and by virtue of these it claims to be the premier shipping port in the world. In 1906 the total tonnage entered and cleared at Hongkong, engaged in the foreign trade, amounted to 22,453,077 tons [12]; and this total compares not unfavorably with the total tonnage entered from and cleared to foreign countries at the principal ports of Europe and America, [13] placing Hongkong in fact at the

[12] Report of the Harbour Master of Hongkong, 1906.

	Tons.		Tons.
[13] London (1907) .	19,759,346	Cardiff (1907) .	14,746,435
New York (1906)	20,390,953	Rotterdam (1906).	11,911,038
Hamburg and Cux-			
haven (1906) .	18,045,098	Marseilles (1904) .	10,523,922
Antwerp (1904) .	18,663,023	Genoa (1904) .	10,436,660
Liverpool (1907)	15,425,288	Singapore (1904) .	12,331,753

head of the ports of the world. Strictly speaking, this is correct, but it can only be maintained by including in the foreign trade of Hongkong traffic with places which are situated with reference to it as Southampton, Portsmouth and Newhaven are with reference to the Isle of Wight, or as New York and New Haven are with reference to Staten Island.[14] If Hongkong be considered as a port of the Chinese commercial area, and if the distributing trade with Canton, Sunon and other such places in the provinces of Kwangtung and Fukien be considered as coasting trade, then the shipping of the colony in 1906 was distributed as follows: Foreign ports (including Formosa, Philippines, Annam, etc.) 8,812,827 tons; coasting trade (including Macao and Kwangchow-wan) 13,640,250 (viz. steamers 10,980,557, junks 2,659,693) tons; total 22,453,077 tons.[15] The first figure is the only one which can be quoted in any serious discussion of the economic distribution of the world's trade.

§ 9. The net foreign imports into China in 1867 were valued at Tls. 69,329,741 (£23,109,914) and in 1905 [16] at Tls. 447,100,791 (£67,065,119). The proportion of these totals which came from each foreign country is obscured by the intervention of Hongkong, which, in the Chinese customs statistics, is shown to be the port of shipment of generally 40 per cent. of China's imports; and, to a lesser degree, Yokohama acts in the same way for shipments originating in San Francisco and Vancouver. Shipments from Antwerp and Rotterdam also are to a considerable extent made up of German products, with some proportion of Danish and Swedish products, sent, by canal, river, or sea, to those ports for immediate shipment; and exports from Genoa include goods from Switzerland and Germany. The actual consumption of Hongkong is limited to the needs of a population of a third of a million; in 1867 it produced nothing, and in 1905 the principal

[14] Cf. chap. xviii, § 15.

[15] Rep. Harbour Master, Hkg., 1906.

[16] The year 1905 is taken for comparison of the conditions of trade because the author went to some trouble in working out the figures for that year for his work "The Trade and Administration of China." He then had at his disposal statistics which are no longer available for his use; and it may be thought that this year is close enough for all practical purposes to the end of the period covered by the present work.

export originating in the colony was sugar refined from raw sugar imported from Java and the Philippines, besides a small production of cotton yarn and cordage. Treating Hongkong as a commercial port of the Chinese commercial area, regardless of its political status, and analysing further the trade of such ports as Rotterdam, Antwerp and Genoa, the figures for 1905 have been worked out by means of the values assigned by each foreign country to its own special trade with China, excluding transit trade.[17]

§ 10. In 1867 imports from Hongkong were 20 per cent. of the whole; a knowledge of the conditions of trade in that year makes it possible to assert, with a fair degree of certainty, that, of these 20 per cent., 15 came from the United Kingdom, 4 from India, Singapore and Australia, and that the remaining 1 per cent. was distributed among many other countries. In 1867 there was further a considerable trade into China by the land frontiers of British India and Russian Siberia, for which no accurate statistics are available; in 1841 this Russian land trade was valued at 15,000,000 roubles [18] (about £2,000,000 or Tls. 6,000,000), and in 1867 it probably exceeded this amount. Disregarding the last, and assigning the imports from Hongkong to the country of real origin as indicated above, the shares of the several foreign countries in China's import trade in 1867 and in 1905 may be compared as shown in the table at the foot of page 399. It may further be recorded that in 1867 the imports were nearly equally divided between the products of Western countries and the natural produce of Asiatic countries; and that in 1905 the Western products contributed 53 per cent., the factory products of Asiatic countries (chiefly cotton yarn and woven cloth from India and Japan) 17 per cent., and Eastern natural products (including opium) 30 per cent.

§ 11. Opium in 1867 was valued at Tls. 31,994,576, being 46 per cent. of all foreign imports; in 1905 the value was Tls. 34,070,021, being 7·5 per cent. of the total.

Cotton manufactures in 1867 were valued at Tls. 14,617,268, being 21 per cent. of the total, and in 1905

[17] Cf. H. B. Morse, "Annual Report on the Foreign Trade of China for the Year 1906."

[18] Cf. "Conflict," chap. xix, § 4.

at Tls. 181,452,953, being 40 per cent. of the total. Of plain fabrics the import in 1867 was 3,738,965 pieces, about 118,875,000 square yards, of which 130,000 pieces came from the United States and the rest mainly from England; their value, Tls. 10,537,427, was 72 per cent. of all cotton imports. Of these plain fabrics the import in 1905 was 28,702,693 pieces, about 1,167,600,000 square yards, of which the country of origin was as follows:

	Pieces.	Sq. Yards.	Value, Tls.
English	14,393,846	589,200,000	43,480,144
American	12,693,793	519,770,000	42,977,175
Japanese	789,290	30,530,000	2,079,313
Indian	651,011	22,330,000	1,401,369
All others	174,753	5,770,000	486,884
Total	<u>28,702,693</u>	<u>1,167,600,000</u>	<u>90,484,885</u>

This value was 48 per cent. of the value of all cotton products imported in 1905. Of fine cotton fabrics the import in 1867 was 781,359 pieces, about 15,860,000 square yards, almost entirely of English weaving; the value, Tls. 2,464,075, was 17 per cent. of all cotton imports. In 1905 the import was 10,821,885 pieces, about 220,195,000 square yards; the value was Tls. 27,509,419, being 15 per

PROVENANCE OF IMPORTS.	1867 Per Cent.	1905 Per Cent.
United Kingdom	41·3	23·5
British India	46·5	20·1
Singapore	2·2	2·1
Australasia	1·7	1·2
Canada, Ceylon, South Africa, etc.	—	0·3
British Empire	<u>91·7</u>	<u>47·2</u>
Russia (excluding land trade in 1867)	0·3	3·5
Germany	—	5·1
Other European countries	0·8	4·2
Continent of Europe	<u>1·1</u>	<u>12·8</u>
United States	1·0	18·2
Philippines	0·8	2·2
Dutch Indies	0·4	2·4
French Indo-China	0·7	1·1
Japan (and Formosa in 1905)	3·1	16·1
Siam	1·2	—
	<u>100·0</u>	<u>100·0</u>

cent. of all cotton imports; of this value 84 per cent. was of English weaving, 7 per cent. of American, and 5 per cent. Japanese. These fine cottons were to the extent of 70 per cent. made up of cotton imitations, cheap substitutes for more expensive woollen fabrics—flannel, blankets, Italians, lastings, Spanish stripes, etc. The import of cotton yarn in 1867 was 33,274 piculs, entirely of English spinning; it was of the finer counts, with an average value of Tls. 48.20 (£16) a picul; and the total value, Tls. 1,603,807, was 11 per cent. of all cotton products. In 1905 the cotton yarn imported was 2,577,748 piculs, of which 22,075 piculs were English spinning, 1,867,309 Indian, 684,671 Japanese, and 3,693 from all other sources; this import was mainly of the coarser counts (12's to 24's) with an average value of Tls. 26 (£3 18s.) a picul, and the total value, Tls. 66,892,485, was 36 per cent. of all cotton imports; in 1903 and 1904 the percentage of yarn to the total had been 52 and 48 respectively. If we add Tls. 20,000,000, the value of the 750,000 piculs of yarn machine-spun annually in the factories of Shanghai and other treaty ports, it may be declared that normally well over half of all foreign cotton products is in the shape of the semi-finished product yarn. This yarn is imported to give a strong warp, on which the people in their homes weave a coarse durable fabric, filling in with a hand-spun weft of Chinese cotton; it penetrates to every corner of the country, and in every village street may be seen the long white stretches arranged by the women in preparation for their labour at the loom.

§ 12. Imports other than opium and cotton products were valued in 1867 at Tls. 22,657,963, being 32 per cent. of all foreign imports; in 1905 the value was Tls. 237,071,040, being a little over half of all imports. Woollens were imported in 1867 of a value of Tls. 7,391,236, being 10 per cent. of all imports; in 1905 the value was Tls. 4,414,713, less than 1 per cent. of all imports. Metals in 1867 were Tls. 1,630,351, or 2 per cent. of the whole; in 1905 the import was valued at Tls. 46,318,231, being 10 per cent. of the total; but in 1905 there was an exceptionally large import of copper for the mints; the import of iron and steel rose from 7,000 tons in 1867 to 161,500 tons in 1905. Fish and other products of the sea were

imported from foreign countries with a net value of Tls. 1,358,716 in 1867 and Tls. 11,820,686 in 1905. Cigarettes were unknown in 1867, and in 1905 their value was Tls. 4,427,171, imported half from the United States, a fourth from England, and a fourth from Japan. In 1867 the import of coal was 113,430 tons, with practically no Chinese output; in 1905 about 400,000 tons from Chinese mines came under customs cognisance, and there was imported a further quantity of 1,314,032 tons; the import at Hongkong was probably not much less. Aniline dyes were not an article of commerce in 1867; in 1905 the value was Tls. 2,626,545 for such dyes in general, not including Tls. 1,726,950 for synthetic indigo to displace the natural indigo of the country. The taste for foreign luxuries has been introduced by returned emigrants, and wheat flour, unknown to the Chinese in 1867, was imported in 1905 to the extent of 2,635,000 bags of 50 lbs. each. Window glass and glassware were valued in 1867 at Tls. 25,182, and in 1905 at Tls. 1,554,832. Matches in 1867 figured for 79,236 gross of boxes, valued at one tael a gross; in 1905 the import was 26,057,221 gross, valued at Tls. 0·215 a gross. On the other hand in 1867 flints were carried from England to China to the extent of 33,740 piculs, valued at Tls. 31,098, and in 1905 had disappeared from the customs returns. Kerosene oil was in 1867 imported, to the extent of 29,842 gallons,[19] for the use of the foreign residents only; the trade began to expand in 1878, when the import was 4,161,100 gallons, all American; Russian oil was introduced in 1889, Sumatran in 1894, and Borneo oil in 1901; in 1905 the total import was 156,948,040 gallons, of which 52 per cent. was American, 8 per cent. Russian, 32 per cent. Sumatran, and 7 per cent. from Borneo. In 1902 (before the Russo-Japanese war) the percentages were American 50·2, Russian 11·3, Sumatran 37·6 and Borneo 0·9. Rice is always wanted for the people of China; but of the 713,494 piculs imported in 1867 a large part went to Ningpo, while the 2,227,916 piculs in 1905 were mainly for Kwangtung. Of sugar the import in 1867 was 186,176 piculs, entirely Chinese sugar re-imported from Hongkong; in 1905 the foreign import was 4,644,315 piculs, of which about 365,000 piculs may have

[19] American gallons, 10 of which equal 8·34 British imperial gallons.

been Chinese sugar re-imported, 1,322,000 piculs was refined sugar and upwards of 3,000,000 piculs foreign brown sugar, the two last originally produced, the greater part in Java, some portion in the Philippines. Timber, hard and soft, was imported in 1867 with a value of Tls. 205,168; and in 1905 of Tls. 3,121,841; the import of the latter year included 90,432,396 superficial feet of soft-wood planks, of which 61 per cent. came from American ports and 38 per cent. from Japan. Raw cotton is grown in the whole of the Yangtze valley; in 1867 the import from India [20] (chiefly into Canton) was 336,072 piculs, and the export (from Shanghai) was 29,391 piculs; in 1905 the movement was more nearly normal, with an import of 90,581 piculs, and an export of 789,273 piculs; in 1904 the export (chiefly to Japan) reached 1,228,588 piculs, approximately 400,000 bales.

§ 13. Exports of Chinese produce to foreign countries were valued in 1867 at Tls. 57,895,713 (£19,298,571), and in 1905 at Tls. 227,888,197 (£34,183,230). The export trade of China is in three broad divisions—silk, tea and sundries; in 1867 silk and its products contributed 34, tea 59, and sundries 7 per cent.; in 1905 the proportions were, silk 31, tea 11, and sundries 58 per cent. In the export trade Hongkong is not so disturbing an element as in the import trade, since it does not serve, to the same extent, as a “storage warehouse” for the distribution of commodities; but the exports of Canton and some of the exports of other southern ports are sent by coasting ships to Hongkong for shipment by the vessels conveying them to foreign countries. The influence of Yokohama on exports is negligible, but Rotterdam, Antwerp and Genoa are as great a disturbing factor for exports as for imports. It is here proposed to follow the same course in assigning exports to the different countries as was done in the case of imports.[21]

§ 14. In 1867 exports to Hongkong were 14 per cent. of the whole; of these 14 it is probably safe to assign 9 to the United Kingdom (Canton and Shanghai silk for

[20] In the three years 1842–44 the annual average quantity of raw cotton imported at Canton was 851,350 piculs, all from India except 16,635 piculs from the United States.—“Conflict,” chap. xiii, § 19.

[21] Cf. *antea*, § 9.

France was then sent to London as the market), 2 to the United States (Canton tea and silk products), 2 to Singapore (Canton cottons and delicacies for the Chinese colonies in the southern islands), and 1 for all other countries. On this basis the shares of the several foreign countries in China's export trade in 1867 and in 1905 may be compared as follows :

DESTINATION OF EXPORTS.	1867.	1905.
	Per Cent.	Per Cent.
United Kingdom	66.6	7.0
British India	0.6	3.9
Singapore	2.7	7.0
Australasia	4.7	0.9
Canada, Ceylon, South Africa, etc.	—	0.6
British Empire	74.6	19.4
Russia (in 1867 tea via Kiakhta only)	1.8	14.8
Germany	5.4	4.4
France		16.5
Italy		8.0
Other European countries		4.0
Continent of Europe (including Siberia)	7.2	47.7
United States	15.0	15.5
Philippines	0.3	1.7
Dutch Indies	0.5	1.1
French Indo-China	0.2	0.6
Japan (and Formosa in 1905)	2.0	14.0
Siam	0.2	—
Total	100.0	100.0

The United Kingdom took a smaller proportion of Chinese produce in 1905 than in 1867, partly because tea from India and Ceylon was substituted for Chinese tea, and partly because London ceased to be the entrepôt for the distribution of tea and silk to European countries. In 1905 of the value of all exports to France and Italy 85 per cent. consisted of silk.

§ 15. Tea has had a chequered career during the half century. Originally the most important element in the export trade, in 1867 it still contributed 59 per cent. to the total value of Chinese produce exported; in 1905 the percentage had fallen to 11, and this was due, not only to the great development of the trade in "sundries," but also to an absolute loss of the tea trade. Once China had a monopoly in supplying the world with tea, a monopoly shared with Japan when that country consented to enter

the market ; but India soon entered into competition with the Far East and captured much of the trade. The first experiments in India were made in 1838, in which year 500 lbs. were shipped to England ; Ceylon came into the market in 1883, and Java about the same time. Exports from China continued, however, to increase in amount until 1886, but from that year the quantities fell off, and the increased consumption of the world was supplied from India and other sources. At intervals of about twenty years the Western world's supplies came from the following countries :

—	CHINA.			Japan.	India.	Ceylon.	Java.
	Tea Leaf.	Brick Tea.	Total.				
	Piculs.	Piculs.	Piculs.	Piculs.	Piculs.	Piculs.	Piculs.
1840 [22]	381,887	34,560	416,447	—	1,740*	—	—
1867	1,248,256	65,311	1,313,567	89,544	53,130	—	—
1886	1,846,989	370,212	2,217,201	275,823	551,078	60,833	44,010
1905	839,173	530,125	1,369,298	298,422	1,617,380	1,238,260	191,025

* In 1852.

In 1867 China supplied 90 per cent. of the Western world's consumption of tea, and in 1905 she supplied only 29 per cent. ; moreover, of her export in 1867 fully 95 per cent. consisted of the more highly priced tea leaf, and 5 per cent. of the cheaper brick tea, while in 1905 only 61 per cent. was tea leaf and 39 per cent. brick tea. Markets have been lost as well. In 1867 the import into England came 95 per cent. from China and 5 per cent. from India, while in 1905 of the consumption in the United Kingdom only $2\frac{1}{2}$ per cent. was Chinese tea. Of the import into the United States in 1867 China supplied 68 per cent.

[22] In 1828, when China supplied the world's entire consumption, 67,203,757 lbs., it was distributed as follows :

	Lbs.
United Kingdom	27,301,790
Russia	25,200,000
United States	6,875,676
Canada (Brit. Am.)	941,794
Holland	2,500,000
Germany	1,650,300
France, Italy, etc.	1,234,197
Australia, India, etc.	1,500,000

J. Crawford, "The Chinese Monopoly Examined," p. 18.

and Japan 32 per cent., while in 1905 China supplied 40, Japan 35, and other sources 25 per cent. Australia in 1867 took all her tea from China; while in 1905, of a consumption of 246,750 piculs, China supplied less than 2 per cent. Russia, which in 1867 took all her tea from China, still gives China her principal market; in 1906 of China's export of tea leaf and brick tea, 67 per cent. was declared for Russia, including Siberia; and, in 1906, of the Russian consumption of tea leaf (889,340 piculs) 60 per cent., and of brick tea (647,506 piculs) 92 per cent., came from China. Want of capital and gross carelessness in cultivation and preparation are sufficient explanations for China's loss of her principal markets for tea.

§ 16. In silk China has more nearly held her own, as is shown in the following table [23] of the supplies placed on European and American markets.

Year.	China.		Japan.		India.		Levant.		France and Italy.		Total Tons
	Tons.*	Per Cent.	Tons.	Per Cent.	Tons.	Per Cent.	Tons.	Per Cent.	Tons.	Per Cent.	
1857	3,869	?	—	—	?	?	—	—	?	?	?
1867	2,338	35.9	633	9.7	627	9.6	—	—	2,939	45.8	6,537
1877	3,548	42.3	1,101	13.1	672	8.0	621	7.4	2,448	29.2	8,390
1887	3,870	32.5	2,217	18.7	528	4.5	738	6.2	4,535	38.1	11,888
1898	6,945	41.6	3,122	18.7	275	1.6	1,479	8.9	4,877	29.2	16,698
1908	7,975	33.2	7,531	31.4	250	1.1	2,693	11.2	5,551	23.1	24,000

* Tons of 1,000 kilos.

In the forty years from 1867 China more than trebled her supply, but at the close was supplying a somewhat smaller proportion of the world's demand; Japan steadily increased her output, and in 1908 was supplying nearly a third of the world's demand; France and Italy, owing to disease in the silkworm, were unable to cope with the increased demand, and the deficiency was made good, partly from China, but in a greater degree from Japan and from Syria and the other countries of the Levant. Japan too has made a great stride in supplying woven

[23] Compiled from figures supplied by the Syndicate of Lyons silk merchants. Of the figures before 1872 the author was advised "qu'il serait peut-être prudent de les considérer comme un peu approximatives."

silks; in 1867 China exported these goods to a value of Tls. 2,334,071, while the Japanese export was small; in 1890 the exports were, from China Tls. 5,320,810, and Japan (75 per cent. being handkerchiefs) Tls. 2,165,859; in 1899, China Tls. 9,892,525, and Japan Tls. 13,980,964; and in 1906, China Tls. 10,859,464 and Japan Tls. 26,061,000.

§ 17. At the beginning of the half century the list of "sundries" exported from China was small, but it was greatly expanded, chiefly by the enterprise of the foreign traders, and but little by any conscious effort of Chinese producers to meet the foreign demand. The export of beans was first recorded in 1870 with shipment of 578,209 piculs, and of bean-cake in 1890 with 96,297 piculs; in 1905 the export was, beans 2,665,523 piculs, beancake 2,897,948 piculs; in 1912 the export had increased to 10,304,180 piculs of beans and 8,162,989 piculs of beancake. Bristles were first recorded in 1894 with 18,378 piculs, increased in 1907 to 42,124 piculs. Cotton has been referred to before. Firecrackers were shipped from Canton to America, 16,186 piculs in 1867, and 166,076 piculs in 1907. Fibres (hemp, jute and ramie) were first recorded in 1879 with 10,456 piculs; in 1907 the export was 300,882 piculs, but the capacity of China in producing fibres has hardly been touched. Hides were exported in 1867 to the small amount of 146 piculs; in 1907 the export was 280,257 piculs. Matting was shipped from Canton to America, 89,908 rolls of 40 yards in 1867, and 478,851 rolls in 1907. Oil seeds (cotton, rape and sesamum) have only recently entered into the foreign trade, and of late years the export, in piculs, has been as follows:

	1888.	1898.	1908.
Rape (entirely to Japan)	873	212	54,074
Cotton (entirely to Japan)	—	566,105	191,077
Sesamum (chiefly continent of Europe)	3,027	47,388	1,792,435

Expressed oils were exported, 1142 piculs in 1867, and 1,502,140 piculs in 1912. Skins, chiefly of goat, kid and lamb, were valued in 1867 at Tls. 5,501, in 1887 at Tls. 652,174, in 1897 at Tls. 3,083,517, and in 1907 at Tls. 7,439,821. Strawbraid, from the plain of the Yellow River in Shantung and southern Chihli, is one of the few

home industries introduced expressly for the foreign trade ; the export was 1,361 piculs in 1867 ; 25,930 piculs in 1877 ; 82,413 piculs in 1886 ; 98, 226 piculs in 1897 ; and 103,246 piculs in 1907. China also began to supply fresh provisions to the outer world ; in 1912 the value of this export was Tls. 16,092,453 (including living animals Tls. 6,147,183 ; eggs, fresh, preserved or dessicated, Tls. 4,354,524 ; meats, fresh or frozen,[24] Tls. 3,383,562 ; and vegetables, fresh or dried, Tls. 2,207,183 ; but not including fruits, fresh or preserved, Tls. 3,329,148). The revolution of 1911 entailed the cutting of the queue, leading to the export in 1913 of 24,477 piculs of human hair, valued at Tls. 1,288,691.

§ 18. The development of China's foreign trade was impeded, during the whole of a period of forty years from 1873, by the vicissitudes of exchange. Until that year the tael [25] of silver had uniformly a normal exchange value of 6s. 8d. The value began to fall in 1873 for reasons which are well known, and (taking 6s. 8d. as par, or 100 per cent.) by 1879 had fallen to 84 per cent. In 1885 a further fall began, and in 1889 the exchange value was only 71 per cent. There was then a short rally, caused by speculation, but thereafter the fall became more rapid, and in 1894 the value was only 48 per cent. of par. The lowest level was reached, at 36 per cent., in February 1903. Shanghai had its monetary crisis in the years 1853-57, when the Spanish silver dollar, then the medium of exchange in the international trade, was appreciated in value generally by more than 50 per cent., and at times by 85 per cent.[26] ; but now, in the course of thirty years, the currency of the whole empire had lost close on two-thirds of its international exchange value.

§ 19. This loss of purchasing power was bad, but worse still were the constant fluctuations in the exchange. The two years 1903-4 saw a series of nine fluctuations

[24] A considerable quantity of frozen carcasses of pigs was shipped to Europe in recent years, 25,829 in 1911 from Hankow alone. The resident in China smiles at the assertion that these were all rice-fed pigs, and not "unmentionable scavengers." Cf. North-China Herald, Jan. 21st, 1910.

[25] The tael is always the Haikwan, or customs, tael when not otherwise stated.

[26] Cf. "Conflict," chap. xviii, §§ 11-14.

between extreme points [27] ranging from 2 to 16 per cent. within two or three months; during the two years the highest point was 30 per cent. greater than the lowest point. Imagine the anxious position of the London merchant if, in a space of two years, exchange between London and New York ranged, with many sharp and unforeseen fluctuations, between the extremes of 4·86 and 3·74,[28] or if in the same time the Paris cheque fell from 25·25 to 19·42; and some idea may then be formed of the position of the merchant in China in financing the import or export of goods which might well be two months on the way from factory to importer's warehouse. Even then, however, it was not solely the fall or the rise in exchange which created difficulties; a falling or a rising exchange which can be foreseen and measured presents no terror to the merchant whose life is spent in anxious study of the subject; it is the inability to see a month ahead which converts all business into gambling.[29]

[27] 1903 March 28·75 pence

„ May	32·25	„	rise 12	p.c. in 2 months
„ June	31·25	„	fall 3	„ „ 1
„ Sept.	35·25	„	rise 13	„ „ 3
„ Dec.	32·0	„	fall 10	„ „ 3
1904 Feb.	37·0	„	rise 16	„ „ 2
„ April	32·0	„	fall 14	„ „ 2
„ July	35·0	„	rise 9	„ „ 3
„ Oct.	34·5	„	fall 2	„ „ 3
„ Dec.	37·25	„	rise 8	„ „ 2

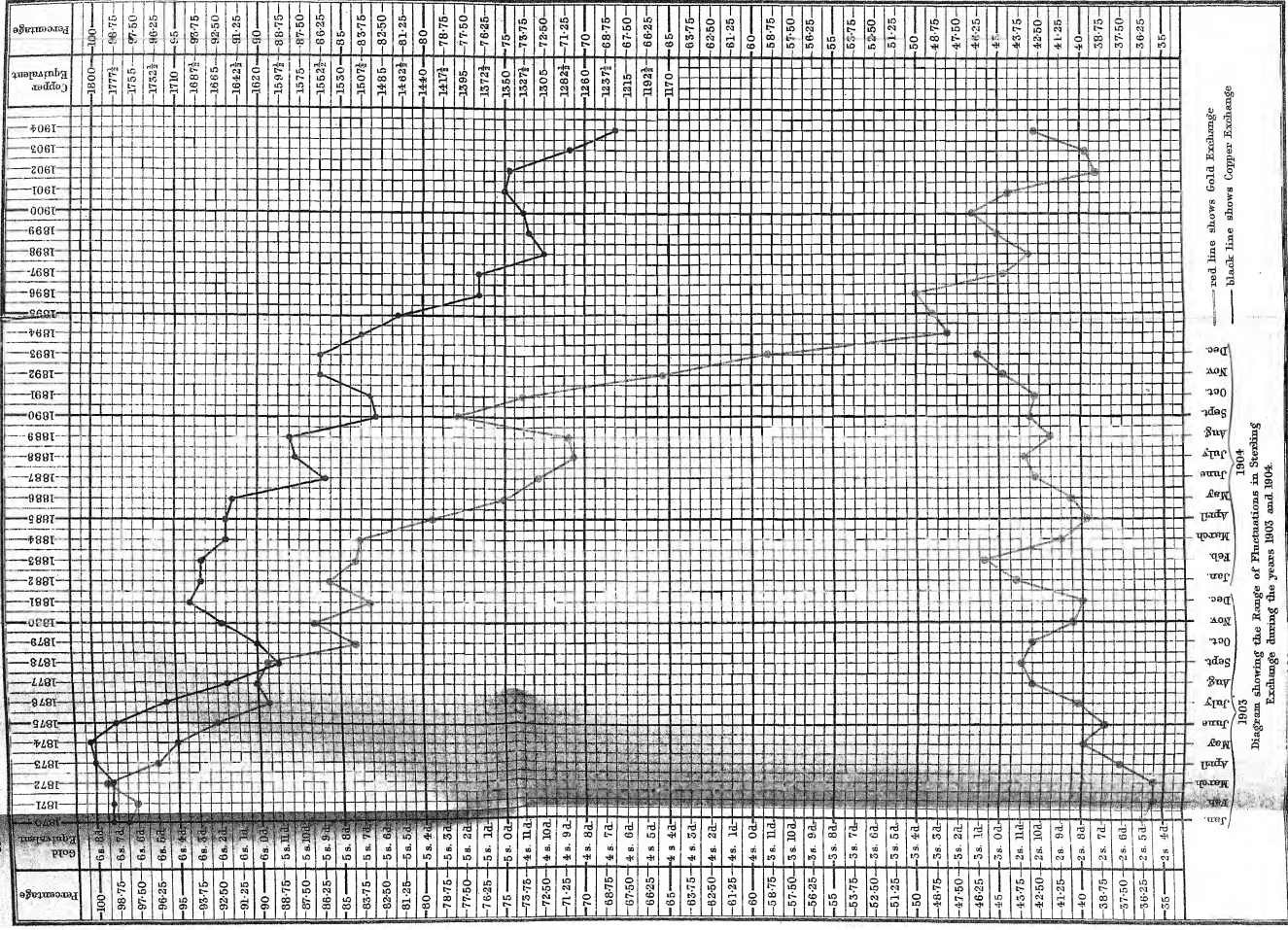
See diagram.

[28] Comparison may be made with the rates of exchange of the European countries at war in the year 1915. In that year New York exchange on London stood in January at about par (\$4·866 per £ stg.); at the end of July it had dropped 2 per cent. to 4·75; in August there was a sharp drop to 4·55 (6·5 per cent. discount); a sharp recovery brought the rate again to 4·75, at which it stood steady. Paris exchange on New York was also in January at about par (Fr. 518·30 = \$100); thence it sagged to 533 (2·5 per cent. discount) in May; thence it dropped to 570 (9 per cent. discount) in June, and 600 (14 per cent. discount) at the end of August, rising to 585 at the end of the year; in August the Paris cheque on London was at 28·10, or 11·4 per cent. discount. Berlin exchange on New York in January was 88 (par being \$95 = 400 marks) or 7·5 per cent. discount; it fell to 81 (or 14·7 per cent. discount) in August, and to 76 (or 20 per cent. discount) at the end of the year. [Board of Trade diagram, in Times, Dec. 30th, 1915.]

The Times (Aug. 19th, 1915) commenting on "the serious consequences of such a persistent decline" in London and in Paris exchanges, declared that "there is a great opportunity here for real financial statesmanship." The China exchange often fluctuated by these rates of percentage in two months.

[29] Cf. H. B. Morse, Reports on the Trade of China for 1904, 1905, and 1906.

DIAGRAM SHOWING THE AVERAGE ANNUAL EQUIVALENT OF THE HAIKWAN TAEI OF SILVER IN ENGLISH GOLD CURRENCY AND IN CHINESE COPPER CASH 1870-1904



§ 20. The hostility to foreign missionaries continued. In October, 1890, there was a riot at Tsinanfu in Shantung, directed against American missionaries, and attributed to a misunderstanding about land.[30] In the early spring of 1891 "a number of most infamous pictures," directed against missionaries, were "placarded in public places" at Foochow; the matter was dealt with by the local authorities.[31] Following this there were small riots at Chungking, Hankow, Chinkiang, Yangchow and other places. In May a riot occurred at Wuhu, occasioned by the usual charges of "bewitching children by the use of drugs"; no lives were lost, but the Roman Catholic mission premises were destroyed, and the various Protestant missions and the British consulate were attacked.[32] The attention of the Tsungli Yamen was drawn to "the startling fact apparent in all these cases of outrage, that no rioter has ever been punished"; and due punishment was meted out to the Wuhu rioters.[33] At the end of May, numerous and serious warnings having been given by friendly Chinese, the women and children connected with the missions at Nanking were sent away to Shanghai; rioters thereupon invaded the various mission premises and burned indiscriminately.[34] On June 5th rioters at Wusüeh on the Yangtze attacked the mission premises and burned the houses; during the riot two British subjects were killed [35]; for this due punishment was meted out.[36] Three days later rioters at Wusih, near

[30] Mr. Denby to Mr. Blaine, Nov. 7th and 12th, 1890, U.S. For. Rel., 1891, p. 353.

[31] Same to same, March 16th, 1891, *ibid.*, p. 392.

[32] *Ibid.*, May 22nd and 25th, 1891, *ibid.*, pp. 395-6; Sir J. Walsham to Lord Salisbury, May 14th, 1891, *corr. resp. anti-foreign riots in China*, 1891, p. 1.

[33] Mr. Denby to Mr. Blaine, June 5th, 1891, U.S. For. Rel., 1891, p. 402; Lord Salisbury to Sir J. Walsham, July 10th, 1891, "Anti-foreign Riots," 1891, p. 15.

[34] Mr. Denby to Mr. Blaine, June 5th, 1891, *ubi sup.*

[35] Consul C. T. Gardner to Lord Salisbury, Hankow, June 8th, 1891, "Anti-foreign Riots," p. 16.

[36] Lord Salisbury to Sir J. Walsham, July 17th, *ibid.*, p. 16. In addition to two heads taken for the Wuhu riot, and two for the Wusüeh murders, there were others arrested; but the final decision in those cases is not recorded. Besides this money compensation was paid between June, 1891, and September, 1892, to the French legation for Roman Catholic mission losses at nine places amounting to Frs. 371,891.—Cordier, "Relations de la Chine," iii, p. 63.

For the murders and destruction at Wusüeh \$65,000 was paid to the

Soochow, entirely destroyed the Roman Catholic mission premises.[37] The situation was serious. The American envoy reported that "it seems at present that the Catholic establishments in the valley of the Yangtze away from great centres are doomed"; and that he had "not found it necessary to continue to wire the accounts received here of the daily outbreaks in China against the missionaries" [38]; but under later dates he continued to report further riots.

§ 21. The legations felt that the riots must be checked and the missions protected, and a strong joint representation was made to the Tsungli Yamen.[39] That body, the real cabinet of the empire, procured the issue of imperial decrees and sent stringent orders to the provinces, enjoining on the authorities the duty of repressing disorder and giving full protection to Christian missions [40]; but it also held the missionaries responsible for the riots by having claimed to exercise over their converts a jurisdiction which properly belonged to the Chinese authorities,[41] and that "outrages against missionaries break out suddenly and therefore cannot be easily repressed." [42] These opinions held in Peking, where the central administration was much concerned to maintain the peace, were of course much more strongly held in the provinces, where, moreover, the belief was common that "the riots mostly originated out of the practice of receiving and bringing up young children in asylums" [43]; and where the provincial authorities gave redress, it was the result of direct orders and of outside pressure. More weight was given to this pressure by the activity and constant intervention of foreign war-ships—British, French, American and German—of the various Asiatic squadrons. By these measures, ultimately, reparation was made,

British consul.—Mr. Denby to Mr. Blaine, Oct. 24th, 1891, U.S. For. Rel., 1891, p. 453.

[37] Mr. Denby to Mr. Blaine, June 10th, 1891, U.S. For. Rel., 1891, p. 405.

[38] Ibid., June 10th and 13th, 1891, *ibid.*, pp. 405, 408.

[39] Ibid., June 11th, 1891, *ibid.*, p. 406.

[40] Ibid., June 18th, 1891, *ibid.*, p. 409.

[41] Ibid., June 23rd, 1891, *ibid.*, p. 411.

[42] Ibid., July 12th, 1891, *ibid.*, p. 417.

[43] Hankow viceroy cited in same to same, Oct. 24th, 1891, *ibid.*, p. 453.

order was restored, and the danger of more direct foreign intervention was averted.[44]

§ 22. Consequent upon the conclusion of peace in 1885, two conventions [45] were concluded between France and China, one on April 25th, one on June 26th, 1887. By these conventions, supplemented by correspondence which was exchanged between the plenipotentiaries, and by a delimitation convention of the latter date,[46] the frontier between China and Tongking was delimited on a line which took from China all possible points of entry for an invasion of Tongking; the trade across the frontier was regulated in such a way as to give reciprocal treatment to both sides; but China conceded a reduction of one-fifth, subsequently altered to three-tenths, from the duty levied on imports from Tongking, and a reduction of one-third, subsequently altered to four-tenths, from the duty on exports; and the cities of Mengtze in Yunnan (with its subsidiary port Manhao) and Lungchow in Kwangsi were opened as "treaty ports" for the trans-frontier trade. By a later convention,[47] signed June 20th, 1895, Hokow, opposite to the Tongkingese town of Laokay, directly on the frontier, was substituted for Manhao; Szemao, in the south-western corner of Yunnan, was opened for the trade between Yunnan and French Laos; and the common frontier was rectified in such a way as to cede to France a portion of the territory of Kianghung.

§ 23. By the British convention of Chefoo, 1876, Chungking was not to be opened to foreign trade "so long as no steamers have access to the port." This condition was waived by a convention,[48] signed March 31st, 1890, which permitted the trade to be carried in junks chartered for the purpose, and thereby extended the privileges of a treaty port to this city on the upper Yangtze, 1400 miles up-river from Shanghai.[49] Nepal (Nipal) had once been tributary to the Chinese emperor, and tribute was

[44] Same to same, May 22nd, July 29th, Aug. 14th, Sept. 13th, 14th and 17th, 1891, *ibid.*, pp. 395, 421, 422, 435, 438, 439; corr. resp. anti-foreign Riots, 1891, *passim*; further corr. resp. anti-foreign Riots, 1892, *passim*.

[45] *Treaties*, i, pp. 701 seq.

[46] *Ibid.*, p. 721.

[47] *Ibid.*, p. 725.

[48] *Ibid.*, p. 317.

[49] Cf. "Trade and Administration of China," pp. 228, 316.

paid certainly from 1790 and as late as 1882.[50] In 1890 the southern frontier of Tibet was delimited by a convention [51] which definitely assigned Sikkim to British India; there was then no question of the entire independence of Nepal from China. Subsidiary matters formed the subject of long negotiations between the Indian government and Mr. James H. Hart, specially commissioned for that purpose; and they were settled by a convention,[52] signed December 5th, 1893. By this convention China opened Yatung as a "trade mart" for the trade between Tibet and Sikkim, and agreed to exempt the whole trade from customs duties for five years; but duties have not yet (1915) been levied. India agreed to prohibit the importation of Indian tea into Tibet during the period of duty exemption; and this was of more importance to China than any other provision of the convention. By a convention [53] signed March 1st, 1894, the frontier between Burma and China was delimited, and a city, Tengyueh being afterwards designated, was to be opened as an inland treaty port; and it was specifically agreed [54] that "China will not cede to any other nation, either Munglem or any part of Kianghung." In June, 1895, at a time when China could refuse nothing to any power, this last stipulation was infringed; and, by a convention [55] signed February 4th, 1897, it was agreed that, "in consideration of the government of Great Britain consenting to waive its objections to the alienation by China . . . of territory forming a portion of Kianghung," the Burma-Yunnan frontier should be rectified so as to give to Burma certain areas, which, it was hoped,[56] would control the river Salween, and, by entering China like a wedge, would provide a trade route into Yunnan. By a special article Wuchow, Samshui and Kongkun were to be opened as treaty ports, and four ports of call to be established on the West River.

§ 24. The success of the ports opened under these several conventions was very unequal. Lungchow has been a failure, and the total value of its trade fell from

[50] Cf. chap. xvii, § 1.

[51] Treaties, i, p. 321.

[52] Ibid., p. 324.

[53] Ibid., p. 328.

[54] Art. v.

[55] Treaties, i, p. 340.

[56] London "Globe," cited in Cordier, "Relations," iii, p. 186.

Tls. 257,196 in 1911 to Tls. 83,835 in 1912. So too with Szemao, the trade passing through it in 1912 being valued at Tls. 263,801. Mengtze, on the other hand, favored by the railway Hanoi-Laokay-Yunnanfu, developed a large trade, valued in 1911 at Tls. 11,395,062, and in 1912 at Tls. 19,569,689; and Tengyueh, dependent solely on porters and pack animals, developed a trade valued in 1912 at Tls. 2,506,905. Of the riverine ports mentioned the total trade in 1912 was valued as follows:

	Tls.
Chungking	26,870,867
Kongmoon (substituted for Kongkun)	6,612,077
Samshui	6,171,567
Wuchow	12,275,703

At the Tibetan free mart of Yatung, though the import of Indian tea was still prohibited, the value of the trade in 1912 was Tls. 2,506,905.

§ 25. The audience question had been settled in 1873 in such a form as left to China a subtle suggestion of supremacy which satisfied Chinese pride.[57] During the minority of Kwanghsü no steps could be taken in the matter; but, after the war with France, the Chinese administration showed itself more inclined to conform to diplomatic usages. On August 4th, 1886, the Tsungli Yamen gave a formal dinner to the entire diplomatic body, the seventh prince, Yihwan Prince Chun, actual father of the emperor, presiding at the banquet.[58] The emperor came officially of age on February 7th, 1887, though still under the tutelage of the empress dowager Tzchi; neither fact was officially communicated to the foreign envoys.[59] The question whether audience with the emperor should be demanded was now considered [60]; but the matter was not pressed, and the French envoy, M. Lemaire, who arrived in Peking in November, 1887, was denied an audience, then and again in the spring of 1888.[61] The emperor assumed sole power on March 4th, 1889 [62];

[57] Cf. chap. xiii, § 6.

[58] Cordier, "Relations," iii, p. 23.

[59] Ibid., p. 26; Mr. Denby to Mr. Bayard, Feb. 8th, March 19th, 1887, U.S. For. Rel., 1887, pp. 184, 202.

[60] Mr. Denby to Mr. Bayard, April 7th, 1888, *ibid.*, 1888, i, p. 201.

[61] Cordier, "Relations," iii, pp. 28, 34.

[62] Mr. Denby to Mr. Bayard, Jan. 18th, Feb. 28th, 1889, U.S. For. Rel., 1889, pp. 93, 99.

and, on December 14th, 1890, the foreign envoys were surprised by receiving communication of an imperial decree, giving orders for an immediate audience of the diplomatic body, and for a similar audience and banquet annually; this was characterised as an "action purely voluntary and spontaneous on the part of the emperor." [63] The foreign envoys formulated a long list of the conditions required to make the ceremonial satisfactory [64]; there were long *pourparlers*, numerous protocols and many disputes, [65] and in the end the audience was held on March 5th, 1891, under conditions which the foreign envoys declared to be quite satisfactory [66]; but it was held, as the Chinese ministers required, in the Tzekwangko, the Pavilion of Violet Light. [67] Newly arrived envoys desiring to present their credentials were to have waited for the annual audience. The Chinese gave way on this, and, in October, 1891, the Austro-Hungarian minister was received in special audience; but he was received in the Chengkwangtien, a hall even less acceptable than the Tzekwangko. The united diplomatic body agreed to be received in the Chengkwangtien for the annual audience of February, 1892, but only on condition that, in 1893, they should be received in a hall of the palace itself; this was refused, and the audience was not held. The British envoy, Mr. N. O'Connor, then took separate action, and, in December, 1892, was received in the Chengkwangtien; his example was followed in 1893 by the German and Belgian envoys. [68]

§ 26. So the question drifted until after the outbreak of the war with Japan. Then, under the influence of the early disasters, Prince Kung was recalled to power; and he found himself driven to conciliate the Western powers, even against the will of the palace, just as he had been thirty-four years before, when he intervened to save the dynasty from the hostile acts of the Anglo-French allied forces. [69] The French and Russian envoys had steadily

[63] Same to same, Dec. 15th, 1890, *ibid.*, 1891, pp. 355.

[64] *Ibid.*, Jan. 8th, 1891, *ibid.*, p. 357.

[65] *Ibid.*, pp. 357, 385.

[66] Protocols of meetings of foreign representatives, Feb. 23rd, March 7th, 1891, *ibid.*, pp. 385, 391.

[67] Cf. chap. xiii, § 6.

[68] Cordier, "*Rélations*," iii, pp. 187 seq.

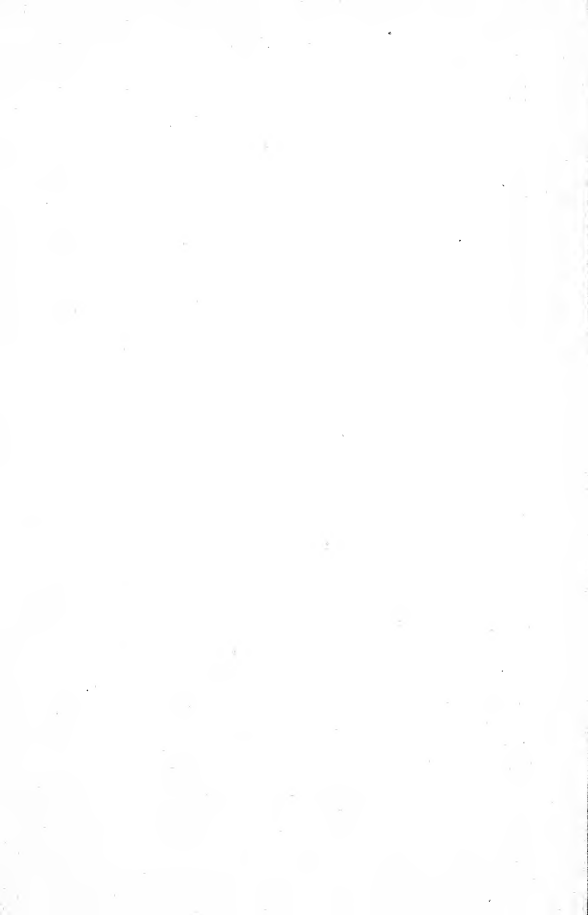
[69] Cf. "*Conflict*," chap. xxvi, §§ 16, 23.

resisted all proposals for an audience in a hall of inferior status, and, on their advice, Prince Kung now procured an imperial edict for an audience on satisfactory conditions. In the Wenhwatien, a grand hall of the imperial palace itself, and under a protocol prescribing a carefully regulated procedure, the diplomatic body was received in audience on November 12th, 1894, and again on February 14th, 1895, at the Chinese new year.[70]

§ 27. The audience question was important only as showing the attitude of China toward the awakening. For thirty-four years, except for the inconclusive hostilities with France, there had been peace with foreign powers; the great rebellion had been crushed thirty years before, and for nearly that time the imperial writ had run throughout the empire; for a quarter of a century all international difficulties had been settled—or compromised—by diplomatic action. Ample time had been given to China to set her house in order and to assert her equality with the nations which dominated her; but at the end of the time there was no sign of reform or regeneration. Some money had been spent on the army, and some more on a new navy; but of reform in the administration which should bring the great potential wealth of the empire into a state of efficiency there was no sign. Statesmen might yearn for a time when China might demand that the conditions imposed on her by treaty should be changed, and that attributes of sovereignty which she had surrendered should be recovered.[71] No measures had been adopted, however, by which these demands might be enforced; the officials were no more leaders of the people than they had been; and the only contribution by the high ministers of state to a solution of the difficulties which beset the empire, was the continued assertion of a superiority which had been rejected fifty years before. Chinese complacency still required some shocks to abate it, and one such shock was now to be given by Japan.

[70] Cordier, *op. cit.*, pp. 193 seq.

[71] Cf. *antea*, § 3.



APPENDICES

APPENDIX A

[U.S. Foreign Relations, 1864, iii, p. 426.]

POLITICAL RELATIONS OF FOREIGNERS WITH THE CHINESE

THE U.S. MINISTER AT PEKING TO THE U.S. CONSUL GENERAL,
SHANGHAI

LEGATION OF THE UNITED STATES,
PEKING, June 15th, 1864.

SIR,

From many letters received by me from the ports, it appears that a misunderstanding prevails as to the extent of the rights and duties of American citizens under the treaty, and the regulations made in pursuance thereof. I have felt, therefore, that it might facilitate the administration of our affairs, if I express my opinions in relation to those questions about which there has been controversy. I accordingly address you, and through you the other consuls and my countrymen, giving my construction of the treaty and regulations, upon several disputed points, as well as a few directions in relation to ships, passports, etc. ; and some general suggestions in reference to the co-operative policy agreed upon by the representatives of the treaty powers at Peking.

I hold that the Chinese government has the right, as an incident of its unyielded sovereignty, to enforce its own revenue laws, and to make such regulations as may be necessary to that end. [*See Rules 6 and 10 of the Supplementary Treaty and my dispatches to the Department of State, approved by Government, Nos. 30 and 32.*]

That the foreign minister, when notified of regulations, if he find them to be in accordance with the treaty, is, after having in his diplomatic character done what he could to perfect them, under obligation to notify them to his countrymen, upon whom they then become binding. [*See letter of E. Hammond for British government in reply to the Shanghai Chamber of Commerce, and dispatches of British and American ministers in relation to the Yangtze regulations, approved by their governments.*]

That no authority inferior to that which made and approved the regulations can absolve persons from their observance.

That the Chinese government having by treaty yielded jurisdiction over the persons of our citizens so that it cannot punish

them even by fine, it is obligatory upon us to punish them for infractions of the Treaty and regulations. [*See dispatch of Mr. Marshall to Mr. Marcy, Nov. 25th, 1853, and the same to Mr. Cunningham, vice-consul at Shanghai, Nov. 1st, 1853; Mr. Cushing to Mr. Marcy, Sept. 9th, 1855; Fitzroy Kelly and James Stephen, Temple, May 22nd, 1862.*]

The manner of doing this is pointed out in Sec. 7 of the act of Congress approved June 22nd, 1860. It is to be done through the consuls, the minister only having original jurisdiction in cases of felony, murder and rebellion; and where a consul is interested. [*See Secs. 13, 24 and 27 of the Act.*]

The Chinese government cannot withdraw a consul's *exequatur*, for it has yielded this right under the law of nations, in the grant of entire jurisdiction over our citizens. Besides, the consuls in China have a peculiar *status*; they are judicial officers, and exercise many powers under the treaty unknown to similar functionaries in the West. [*See my dispatch, (72) and discussion with the Chinese government, also letters of Mr. Cushing to Sec. Marcy, Nov. 7th, 1854, and Oct. 8th, 1855.*]

That, though the Chinese government may not sue in the consular court as a party to the record, still it may go there to make a complaint and to give information, which the consul is bound to entertain. This is political action. [*See Cushing, idem; G. Wingrove Cooke and James Hannen, Temple, Jan. 13th, 1862, Ms.*]

If the consul shall fail to do his duty in respect to punishment then the question becomes one for reference to the "superior officers of the government, who shall see that full inquiry and strict justice shall be had in the premises." [*Art. x of the treaty.*]

The Chinese government cannot be compelled to plead in the consular court at the suit of any one;—hence, controversies between the consulates and the customs, if they cannot be arranged, become diplomatic questions to be referred to Peking. [*See Cushing, idem; Sir Frederick Bruce in re Bowman vs. Fitzroy, Blue-book No. 3, approved by British government; also my dispatch to Mr. Mangum, consul at Ningpo, Dec. 9th, 1862, in case of barque "Agnes," approved by U.S. government.*]

A citizen of the United States in the Chinese customs' service, cannot, in that character, be held to answer in the consular court of his country for acts done in the line of his official duty under the orders of the Chinese government. In such case the remedy is against that government. [*Opinion of Sir William Atherton et al. Temple, March 6th, 1862.*]

The Chinese government may confiscate goods landed in breach of port regulations, but only those in respect to which the infringement of the regulation was committed—that is to say, those landed and not those still on board. [*Sir F. Bruce in case of the "Blackburn." Bluebook No. 3—Also my dispatches in case of the "Agnes," and that of Prince Kung admitting this doctrine.*]

In cases of fine, where the words "not exceeding" are attached to the penalty, the consul may fix a smaller sum; but where the sum is fixed there is no option, and the consul upon proof must

inflict the fine, and all efforts to mitigate such fine must proceed upon equitable grounds, and not as matter of legal right. [*Sir F. Bruce in case of the "Blackburn."*]

Only three ports are now by treaty open to trade on the River Yangtze, viz., Chinkiang, Kiukiang and Hankow; and trade at any other ports subjects ship and cargo to confiscation. There can be no trade, directly or indirectly, by tacit consent of local authorities,—by towing and permitting the Chinese to cut the line where they please, or in any manner whatsoever. [*See Art. xiv of U.S. treaty, and Arts. xxx and Arts. x, xi of British treaty in connection therewith; also Provisional arrangements for the navigation of the R. Yangtze, Dec. 5th, 1861; and those adopted Nov. 10th, 1862, and approved by British and American governments.*]

If the Chinese authorities confiscate without sufficient proof of breach of regulations, then the aggrieved party may, through the consul, appeal against such action to the minister at Peking, whose duty it will be to reclaim against the Chinese government; but in no case is the citizen, or the consul for him, to take the law into his own hands. This would relieve the Chinese government from that responsibility which should attach to it, and render all friendly relations impossible. [*Sir F. Bruce in case of the "Pearl"; also his correspondence with consul Gingell at Hankow approved by the British government; and instructions to Admiral Kuper, Bluebook No. 3.*]

To secure an honest application of the confiscation power, I have, in conjunction with my colleagues, urged the establishment of a joint tribunal, or mixed commission, to sit in cases of confiscation. The Chinese authorities have yielded this in principle, leaving the details to be arranged by the consuls and local authorities—first at Shanghai provisionally, and afterwards at the other treaty ports if found to work well. This will satisfy both sides, and facilitate settlements at the ports; or, if the cases shall come to Peking, by classification and arrangement of the evidence, make decisions practicable. [*See dispatch of Prince Kung to me, June 13th, 1864.*]

The greatest care should be taken before extending the protection of the American flag to purchased vessels. The proof of citizenship and the bona fide character of the purchase should be required. The flag should not be lent or sold to dishonor, or "be abused by the subjects of other nations as a cover for the violation of the laws of the empire." [*See Consular Manual, page 273, and regulations of the Treasury Department there referred to. Also U.S. treaty, Art. xiv.*]

A wise discretion should be exercised by the consuls in granting passports to travel into the interior. The right to grant these is derived from Art. ix of the British treaty through the favored nation clause (Art. xxx). And though I do not hold that we are bound to take the construction of a treaty from the power through which we derive a privilege, still a desire for uniformity would suggest that such construction should receive our respectful consideration. [*See my dispatch No. 26 approved by the government.*]

I therefore call your attention to Sir Frederick Bruce's circular

of Nov. 21st, 1860, to the British consuls, approved by his Government, and commend its several suggestions to you for your guidance. "When an application is made by a person, claiming to be a native citizen of the United States, for a passport, before it be granted, he should make a written declaration to that effect, stating also his age and place of birth, which paper should be filed. The consul may however require such other evidence as he may deem necessary to establish the fact of the applicant's citizenship. If the applicant claims to be a naturalised citizen, he should be required to produce either the original or a certified copy of his certificate of naturalisation, or such other evidence as shall be fully satisfactory to the consul." [*Extract from Instructions to the Diplomatic Agents of the United States*, page 17; and my letter to Acting Consul Pomeroy at Tientsin.]

I have already written you in relation to the so-called concessions. There are no such things as concessions in the sense generally understood by that term. It is the right of our citizens to buy, sell, and live in any part of the treaty ports; and any claim by a treaty power of a concession of territory from the Chinese government, by virtue of which it can exercise jurisdiction over the persons or property of our citizens, would, if admitted, be an abridgment of our rights. [*See dispatch of Mr. Marshall to Mr. Marcy, July 26th, 1853, with history of efforts of Consuls Griswold and Cunningham against concession claims, and disavowal by the British government of concession views through Consul Alcock. Letter of Sir Frederick Bruce to Consul Medhurst approved by British government; and my dispatch (42) approved by U.S. government in Mr. Seward's dispatch (40), and that in relation to municipal affairs at Shanghai (37), approved by government.*]

We have no right for municipal or other purposes, to take jurisdiction of Chinese, or of the subjects of non-treaty powers, even though requested to do so by the Chinese authorities. We should seek to strengthen the Chinese administration in the direction of order, to see to it that they should not shirk their treaty obligations. [*See my letter to Consul-general Seward, and Sir F. Bruce to Consul Sir Harry Parkes at Shanghai.*]

With reference to the entrance of American citizens into the Chinese service, I can only say that there can be no objection to their entrance into the civil service; but there are strong objections to their active participation in the strife in which this people is unhappily engaged. The penalty for entering the rebel service is well known; and there is a decree of my predecessor Mr. McLane, of December 5th, 1854, still unrepealed, against taking military or naval service under the government against the insurgents. In the peril of our interests at Shanghai from the rebels, this decree was not enforced; but subsequent events, leading to the death of General Ward and the Burgevine imbroglio, convinced me that the taking of such service not only endangered our relations with China, but might lead to complications with other treaty powers. I accordingly, in my despatch No. 44 expressed myself in this sense, and my views were "specially commended" by the Government.

I therefore reiterate them to the end that such service may be discouraged. The British government has already withdrawn its permission to its officers to take military service; and every effort has been, and is being made, by the British minister at Peking, to induce the Chinese to strengthen themselves so as to relieve the British government, not only from the expense of keeping troops in China, but from the common danger of a Chinese force headed by adventurers. Major Gordon, who has done so well, earnestly wishes to be relieved, but is retained by a common sense of danger until he can weed the force of its dangerous elements, and hand it over safely to the entire control of the comparatively well-drilled and patriotic Chinese officers.

Mr. Berthemy, the enlightened representative of France, is equally desirous with the British minister of removing all cause of expense and anxiety to his country, and looks forward with hope to the day when the Chinese will triumph over their difficulties, and be able to maintain order without external aid. I am happy also to inform you that Mr. Vlangaly, the able minister of Russia, is deeply impressed with the importance of repressing that adventurous element, which, if fostered, can only lead to disaster in China.

At an early period of my mission, I was instructed by the Government to co-operate with the other treaty powers in China. In my dispatch No. 42, you will find a history of my efforts in that direction, and of the policy agreed upon; that policy has been fully approved by our government, and I believe by that of every other treaty power. It is briefly this: To consult and co-operate in China upon all material questions; to defend the treaty ports so far as shall be necessary to maintain our treaty rights; to support the foreign customs' service in a pure administration and upon a cosmopolitan basis; to encourage the Chinese government in its efforts to maintain order; to neither ask for nor take concessions of territory in the treaty ports, nor in any manner to interfere with the jurisdiction of the Chinese government over its own people, nor ever menace the territorial integrity of the Chinese empire.

I call your attention to this policy in order that you may know the commitments of our own government and ourselves with the other treaty powers. You will perceive that we are making an effort to substitute fair diplomatic action in China for force; that we seek to do justice that we may have justice, and thus co-operation becomes the rule in carrying out these relations. It should be sincere; and to be effective requires, in the first place, a predisposition to get on well with one's colleagues; and, in the second, that just moderation which cannot fail to win the respect and confidence of one's associates.

While such are our obligations with respect to the foreign representatives in China, they are equally strong towards the Chinese officials, whether native or foreign, for it is through these that we maintain our relations with China, and any want of courtesy or consideration for them at once reacts upon ourselves, and destroys our power for usefulness. [*See my dispatch approving the conduct of Consul Clark at Fuchau.*]

Hoping for your continued support, together with that of the other consuls and my countrymen generally, of the views I have expressed, and the generous policy I have stated,

I am, Sir,

Your obedient Servant,

ANSON BURLINGAME.

P.S.—I have submitted the above letter to the British, French, and Russian ministers, and they authorise me to inform you that they entirely approve of its views and policy.

APPENDIX B

MEMORANDUM CONCERNING THE APPLICATION OF MONEYS COLLECTED AS TONNAGE DUES FROM FOREIGN SHIPPING BY THE CHINESE GOVERNMENT

1. PUBLIC criticism makes two Charges :

- (a) That China has not kept faith with the Treaty Powers in the matter of Tonnage Dues ; and
- (b) that, in point of fact, when the fraction spent on improvements is compared with the total collection, China does nothing at all for the benefit of foreign shipping : while what is spent is wasted on salaries, rather than devoted to useful works.

2. These charges have been credited without further inquiry, and it has recently been suggested that the Tonnage Dues should be placed under the control of a mixed Commission.

3. The object of this memorandum is to show that public criticism is mistaken in both its allegations, and that the administrative reform suggested is neither called for nor politic.

4. At the time at which China first entered into Treaty relations with a foreign power, viz. when the Treaty of Nanking was negotiated on the part of Great Britain by Sir HENRY POTTINGER in 1842, foreign shipping frequented the port of Canton only. Foreign merchants transacted business with a guild styled Co-Hong, composed of Chinese merchants licensed as monopolists to carry on the foreign trade, and held responsible, after Chinese fashion, for the doings of foreigners generally, and the collection of revenue on their trade. When a ship arrived, her business was put in the hands of the Co-Hong, and, in addition to the duties and fees payable on the *Cargo*, there were a number of charges payable by the *ship* which may be grouped together under the name of *Port Charges*.

5. In 1843, Sir HENRY POTTINGER arranged that these Port Charges should be done away with and a single tax substituted, to be a fixed sum per ton on the registered burden of every vessel,

and hence styled *Tonnage Dues*. The Treaty article (General Regulations of Trade appended to Supplementary Treaty, v.) reads thus: "Every English merchantman on entering any one of the above-mentioned five ports, shall pay Tonnage Dues at the rate of Five Mace per Register Ton, in full of all charges. The fees formerly levied on entry and departure, of every description, are henceforth abolished." It is here to be noticed that this stipulation did nothing more than replace heavy Port Charges, which were always unequal and at times uncertain, by fixed and moderate Tonnage Dues, and that the Chinese Government was neither invited, nor pledged to build Lighthouses, erect Beacons or provide any additional facilities for shipping, in return for such Treaty Tonnage Dues.

6. After the English, came the American and then the French Treaties, and in each was repeated, in principle, the Tonnage Dues arrangement made by Sir HENRY POTTINGER; it again happened that while, on the one hand, these Treaties stipulated for sundry exemptions from Tonnage Dues, neither one nor other made it, in any way, obligatory on China to apply a single cash of the sums paid as Tonnage Dues, to any purpose connected with the interests of foreign shipping.

7. From that time till the ratification of the Tientsin Treaties of 1858 in 1860, the stipulation of the Treaties of 1842 and 1843 ruled in the matter of Tonnage Dues. During this period, if the Chinese Authorities did nothing for the improvement of the navigation of the Coast, they were, at all events, not illiberal in their enforcement of the Tonnage Dues rule, for they not only exempted rice-laden ships, but also vessels arrived in ballast, from whole or half Tonnage Dues, according as they departed without or with cargo. Moreover, while not obliged to appropriate any of the amount collected towards facilitating the movements of shipping, they nevertheless began to do something in that direction in 1855, when, for the first time, they were shewn in what way facilities could really be afforded: but, on this point, more will be said in another paragraph.

8. The Treaties of Tientsin reduced the moderate charge, fixed by Sir HENRY POTTINGER, still lower, and made Tonnage Dues payable at the rate of Four Mace per Register Ton; and it is in them, for the first time, that there is to be found any reference to measures for improving Coast navigation. In one article it was stipulated that "the Consuls and Superintendents of Customs shall consult together regarding the erection of Beacons or Lighthouses, and the distribution of Buoys and Lightships, as occasion demand"—and a rule appended to the Tariff adds—"the maintenance of which shall be provided for out of the Tonnage Dues."

9. Now without meaning to assert that the Chinese Government has no duties to perform in this connection, it may be questioned, in reply to those who thence deduce obligation, whether these stipulations bind the Chinese Government to put up a single Light, or place a single Buoy: they imply that Lights, Buoys, etc., are desirable things wherever really required, but, as far as the Treaty obligation of providing them goes, it would be as fair to say that the article

binds the Consuls to find the funds, as to say that it binds the Superintendents of Customs; and, moreover, the tariff rule, which says their *maintenance* is to be provided for *out of* Tonnage Dues, leaves it to be inferred, that while such things are to be provided from some other fund, their *maintenance* is not to demand more than a part of the Tonnage Dues. Arguing from the mere text of the Treaty stipulation, it is questionable to what extent the Chinese Government is pledged to put up Lights or Beacons, or to do more than apply a portion of the Tonnage Dues to their mere maintenance. Had not a cash been expended for either purpose, whether construction or maintenance, there would not necessarily have been any lack of good faith on the part of the Chinese Government.

10. The Treaty stipulation is that "Consuls and Superintendents of Customs shall consult together." Now allowing that it is for China, as lord of the soil, to erect the Beacons called for, and even admitting that the article, as it stands, may be held to imply an obligation to erect Beacons, etc., it must be proved that a Superintendent of Customs has ever refused to consult with a Consul, before the charge of breach of faith can be substantiated. Not only is it not the case that there has been any refusal, on the part of Superintendents of Customs, to consult with Consuls concerning such things, but, on the contrary, on every occasion on which Consuls have suggested improvements, the Chinese Authorities have sought to give effect to their suggestions.

11. In all that precedes, it is not meant to be asserted that shipping has no interests to be furthered or that Governments are not to blame if they ignore such interests and neglect their requirements; what is intended to be pointed out is, that, if the Chinese Government has not done all the things that the shipping interest would like to have seen done, it has not, when not doing those things, been oblivious of, or faithless to any Treaty stipulation or obligation. When it is asserted that no Treaty stipulation binds China to undertake such works, it may be thought that special pleading is resorted to to deprive the text of the Treaty of the only useful meaning it could be held to possess. But, in point of fact, one may go beyond that assertion, and maintain that, so far from foreign Governments having expected China to apply the Tonnage Dues to the purposes the public now indicates, the framers of the original Treaties, when procuring the abolition of the heavy and uncertain Port Charges, purposely fixed the Tonnage Dues at the low figure of Five Mace per Register Ton, with the express understanding that China was not expected to apply such Tonnage Dues to the lighting of the coast or improvement of navigation. That this assertion is correct is clearly shewn by the words of Sir HENRY POTTINGER himself, who, on the 24th January 1843, when writing to the five merchants who formed the Canton Committee appointed to advise with His Excellency on matters affecting the adjustment of the Tariff and Regulations of Trade, supplied them with an Extract from a Memorandum which His Excellency had himself laid before the Chinese Imperial Commissioners, I-li-pu and his colleagues on the 21st of that month. In that Extract, the following passage is to be found :

“After the tariff and import and export duties, the anchorage or harbour charges are to be settled, and the most simple mode that occurs to me of doing this, is to name a certain sum per ton on the registered burden of every vessel (above a certain size) that may enter the ports. In considering the anchorage and harbour charges, it is to be borne in mind, that the Government of China has hitherto done nothing towards facilitating commercial intercourse by building lighthouses, laying down buoys or moorings, and erecting beacons; and, therefore it necessarily follows, that these charges should be exceedingly light, and equally well defined as the duties.”

What the British Plenipotentiary wanted, and what the American and French Plenipotentiaries who followed him stipulated for, was not the lighting of the Coast, but merely that there should be a Port Due moderate, fixed and in proportion to carrying capacity, instead of a heavy, uncertain and disproportionate charge: and, as a reason for making the charge a moderate one, it was expressly stated to the Chinese Plenipotentiaries, that China had hitherto done nothing for the improvement of navigation, and it was thereby as clearly suggested, that, moderate Tonnage Dues having been substituted for heavy Port Charges, China was not expected to do in the future with Tonnage Dues what she had not done in the past with Port Charges. The Plenipotentiaries who followed in 1858 and 1860 made the charge still lighter, reducing it from Five to Four Mace per ton, and stipulating that coasting vessels—the very vessels to be most benefitted by Coast Lights, etc., and therefore, if Tonnage Dues are to provide Lights, the vessels that ought to be most heavily taxed—should only pay even that reduced amount once every four months; thus the Tientsin Treaties can scarcely be said to have gone farther than their predecessors in stipulating for the improvement of navigation: they at all events stopped short of imposing any obligation on China merely, while on the one hand hinting that such and such expenditure should come out of the Tonnage Dues, on the other refraining from leading China to suppose that her Governmental functions would have been fulfilled when she should have expended the full amount, collected as Tonnage Dues on foreign shipping, on Chinese Lights and Lighthouses.

12. What precedes will suffice as a reply to the charge of lack of good faith.

13. It must not, however, be supposed, that the Chinese Government has been, or is, doing nothing for the improvement of navigation. What has been above written is not to defend or support the doing of nothing, but to show, how ill considered in itself has been the allegation of breach of faith. But the fact really is, that, so far from neglecting the interests and requirements of shipping, much has been done, much is being done, and much is intended to be done to facilitate the navigation of Chinese waters.

14. It was in 1855, and when Sir HENRY POTTINGER's Treaty and his reasons for making Tonnage Dues light were still the guide, that

the possibility of doing something for the improvement of Coast navigation was first suggested to the Chinese Authorities. The suggestion was made by the Foreign Inspectors of Customs at Shanghai, and on their representations, both as to the revenue brought to that port by foreign shipping, the difficulty of entering it, and the great increase in Tonnage during the ten years the port had been open, the Provincial Authorities willingly agreed to act on their recommendations; the result was the establishment of a Lightship and Lighthouse, for both construction and maintenance of which the Tonnage Dues provided. On going through the old accounts of the Shanghai Office, it is seen that the sum provided by the Authorities for the Shanghai Lights amounted to almost sixty thousand Taels between the 1st June 1855 and the 31st December 1860, when the ratifications of the Treaties of Tientsin were published. This at least evinced a willingness on the part of the Chinese Authorities to do something in the interests of shipping and for the improvement of navigation, when what that something ought to be was pointed out to them.

15. At the end of 1860 the Treaties of Tientsin came into operation, but it was not till the middle of 1864 that the Foreign Inspectorate, on its new basis, had its Offices established at all the Treaty Ports. At the end of that year, the central authority, that is, the Tsung-li Yamén, or Foreign Office, was applied to for, as a commencement, one-tenth of all Tonnage Dues collected, to form a fund for making such improvements as might be required. The application was at once assented to, and from the 1st January 1865 the Offices of Customs at all the Treaty Ports commenced to issue one-tenth of the sums collected as Tonnage Dues quarterly, and continued to do so from that date to the 31st March 1868, when in accordance with a second application then made, the Yamén authorised the appropriation of seven-tenths of the Tonnage Dues for the improvement of navigation. From the 1st January 1865 to the 31st March 1868 the Tonnage Dues' tenth in round numbers amounted to almost 100,000 Taels, and during the most of same period as late as the 30th June 1867, the Shanghai Customs' Authorities, in addition to the tenth issued for the General Fund, continued to support the local establishments (Harbour Master's Department at Shanghai, Lightship on the Tung-sha Bank, Light at Woosung, Kintoan Beacon or Lighthouse, etc.) expending thereon, in addition to the sum given in paragraph 14, from the 1st January 1861 to the 31st March 1868, nearly 260,000 Taels. During the same period there was also expended from General Fund a sum of Taels 60,000 on a Lightship for Niuchuang, a Lighthouse for Chefoo, two Lighthouses for Ningpo, Marks and Buoys for Tientsin, etc.

16. Thus, the appreciation of the propriety of doing something for the improvement of navigation, which began to show itself first when the local officials provided a Lightship for Shanghai in 1855, is to be seen as further grown in 1865, when the Central Government authorised the appropriation of one-tenth of all Tonnage Dues, and, subsequently the authority issued in 1868, to appropriate seven-tenths of the Dues, proved still more fully, that whether free from

Treaty obligation or not, the Central Government had made no inconsiderable advance in giving effective support to works intended to be of utility to shipping. At first, there was an absolute ignorance of any want for such things as Lights, and that ignorance, if ever awakened, was again hushed to slumber by the declaration made in 1843 that the Dues were to be moderate because there were no facilities provided: next there came a local knowledge of something that one port, Shanghai, owed to the foreign shipping by which its revenue was being annually increased: afterwards the central Government, beginning to have its attention drawn to the point, and with the disappearance of the Taiping rebellion, beginning too, to be at lesser straits for funds, contributed its quota of support in the shape of a tenth: and lastly, there was the consent given by the Central Government to the proposition to expend as much as seven-tenths of the Tonnage Dues on the works in question. This growth, if slow, has been natural and not forced, and as each step in the progress was based on an intelligent reason, it is but fair to state that, in proportion as it has understood its duty in the matter, the Chinese Government has proved its willingness to perform that duty.

R. H.

PEKING, March 21st, 1871.

APPENDIX C

MR. J. ROSS BROWNE'S REPLY TO AN ADDRESS PRESENTED BY THE AMERICAN AND ENGLISH MERCHANTS OF SHANGHAI

SHANGHAI, 17th July, 1869.

GENTLEMEN,—I have read with great pleasure the communications which you have had the kindness to address to me in relation to foreign policy in China. The generous manner in which you have expressed your approval of my official course, as diplomatic representative of the United States at Peking, will be gratefully remembered by me long after my departure from these shores. I need scarcely assure you that my homeward voyage will be cheered by the reflection, that however unavailing my efforts have been during my brief sojourn at the capital to extend the limits of commerce and friendly intercourse with this Empire, they have been generously appreciated by the class who have laboured most persistently, and most effectually, to promote, everywhere throughout the World, the great cause of civilisation.

Fully concurring in the views expressed in your addresses, respecting the policy essential to the maintenance of our treaty rights in this country, I take pleasure in stating that, since the day of my arrival in Peking to the present time, I have strenuously advocated every proposition which you have advanced. The con-

clusions to which you have been led by long practical experience, have been reached, on my part, through the simple process of reason aided by a careful study of the history of foreign intercourse with China. It is gratifying to feel that this unanimity of opinion is founded upon an enduring basis of truth, and that principles in support of which there is such a concurrence of testimony, will not require to be maintained by fanciful and delusive theories.

It would be impossible, in the multiplicity of my engagements, and the brief time intervening before my departure, to give a complete exposition of my views on the questions suggested in the addresses. These papers cover so broad a field for the expression of opinion, and embody so many important questions of international policy, that a mere glance at the leading points would require more time, and certainly more careful consideration, than I can now bestow upon them.

A brief review of the recent history, and present attitude of China towards foreign Governments, from a stand-point differing in some respects from that of the foreign residents at the ports, may not be altogether devoid of interest.

It has been alleged that the so-called new policy means justice to China, and, as such, means progress. Speaking in behalf of the American Government, I must say that the inference from this is utterly unwarranted by facts. So far as I can glean from the published correspondence of my predecessors during the past ten years, the policy of the United States has been fair and conciliatory ; and, I am quite sure, there has been no departure from a similar policy on the part of Great Britain. No new system has been adopted, and no new revelation has been made.

Justice, in our dealings with this nation as with all others, cannot be too highly commended ; it is right in itself, and whatever is right is expedient. Accepting this as the basis of all advantageous intercourse between Nations, I still think there is room for question as to matters of fact, and difference of opinion as to the deductions to be drawn from lessons of experience. While there are few, who be unreasonable enough to deny the propriety of justice towards China, there are many who may conscientiously desire to know what it means. If Christian nations are to give a construction to treaties based upon rules of international law, adopted in the interest of civilization, and China, on its part, is to construe them according to the lights, or the interests of paganism, there is certainly room for inquiry as to the practical duty of each, and the means by which injurious complications may be avoided. It is manifest to my mind that the superior cannot enter upon a course of retrogression to adapt itself to the inferior ; and if any relations at all exist, they must exist upon such equitable terms as the stronger may elect to adopt. It surely would be a singular policy for any civilized nation to relinquish its own interpretation of justice, and accept that of China. There is an irreconcilable difference between the pagan and Christian faith, upon which the whole difficulty of our relations impinges. The one is based upon isolation and repulsion, seeking the good of none beyond its own limits,—the other is broad, generous

and humane, seeking the good of all. In order to be true to our own faith, we can only concede so much as may be reconcilable with the sacred duties which it inculcates ; for, if we go beyond that, we admit the right of any nation, however degraded, to enjoy the privileges and immunities of a civilized power, while it persistently rejects the obligations imposed by the community of nations for the general welfare. In other words we lend our influence to the maintenance of false and superstitious systems, and the degradation of our fellow creatures. The principle laid down by the government of the United States is, that nations like China or Japan may " enter into the sphere of our Public law in the relation of government to government, but not in the relation of government to men " ; and the reason given for this is that, full interchange of international rights must be based upon unity of legal thought.

Experience in China has furnished ample evidence of the difficulties to be encountered in observing this distinction. Nearly all our relations are commercial, and there is scarcely a case that comes up, which does not involve, to some extent, both the relations between the governments, and those between each government and its people.

The rights underlying the principle of extraterritoriality are so far from being clearly defined, or even susceptible of a satisfactory definition, that all attempts at elucidation must end in the admission that they are incongruous and irreconcilable, and that nothing short of perfect equality can remedy the difficulty. How then is this end, which all must desire, to be attained ?

The essential provisions of existing treaties have been extorted from China by force, and doubtless she considers them unjust. The anomaly is presented of nations holding forcible intercourse with a people, against the will of the governing authorities ; yet professing to respect their prejudices and abstain from all interference in the administration of their internal affairs. It is clearly an interference to force the opening of ports, and wrest from a sovereign state jurisdiction over its own soil, to secure a diplomatic representation at Peking at the cannon's mouth, and hold it there against the will of the government ; to establish a Customs system and place a foreigner at the head of it, with foreign subordinates at the ports ; in short to inflict compulsory relations upon a nation the whole tendency of which is to derange and ultimately destroy its most cherished institutions. Mere words cannot check the consequence of such intercourse. To continue it, is simply to carry on with force in the back-ground what was commenced with force in front. If China had the power there can be no question that she would restrict the intercourse of foreigners to the sea-ports, if not expel every foreigner from the country. Not being able to do this, she attempts to evade, by the subtleties of diplomacy, what she cannot avert by force.

If the view I have taken be correct, it would not benefit China, if we were to relinquish all privileges extorted from her, and carry out the Comtist doctrine of ideal justice—withdraw steam navigation from the Yangtze and Peiho, refuse extraterritorial protection to our citizens, forcibly prevent our missionaries from entering the country

and preaching the Gospel, and resign all rights which may conflict with pagan superstition, and Asiatic ignorance and conceit.

I think, therefore, our duty is plain. We should do the best that can be done under such anomalous circumstances; treat China with the forbearance, consideration and respect due to a power sovereign in its political aspect, but possessing an organization incompatible with absolute equality. Believing our civilization to be superior to theirs we should endeavour to elevate the Chinese to our standard. But, surely, that can never be done by an unqualified acceptance of their claim to the independence enjoyed by Christian States. They do not possess it in point of fact, and there is no wisdom in proceeding upon false premisses. If they were independent, they would cease to hold relations which give them perpetual trouble, and break down, one by one, the barriers of isolation which have so long enabled them to maintain their peculiar and degenerate form of national existence. Before they can hold a position of equality in the community of civilized nations, they must cease to cripple all intercourse; they must throw open the country; adopt the improved systems of industry and means of communication urged upon them by the Western world; and thus, by co-operation, strengthen and elevate themselves to an actual equality. Such an advance seems to me, to be an essential condition to friendly intercourse. We have no right to compel them to construct railroads or telegraphs, or to extend steam navigation, open coal mines, or accept any of our modern inventions for saving time and developing material resources; but we have a perfect right to compel them to observe their treaty obligations, and, if in doing this all the rest becomes necessary to their continued existence as a nation, and their elevation as a people, it will be all the better for China. I question whether it is good policy to proclaim, in the solemn form of a treaty, that we will not interfere in the internal affairs of the Empire, when our very presence is an interference; or whether anything is to be gained by an unconditional admission of the right of the Chinese government to determine the time and manner of introducing improvements. If the central government can, without the introduction of modern inventions, preserve order, enforce the execution of treaties, restrain the corrupt practices of its Provincial officers, and render prompt redress for all grievances, we cannot justly complain if the rulers should elect to retain their own system in preference to ours; but this being impossible, reciprocity in freedom of trade, residence, and travel, becomes an essential condition to amicable and mutually advantageous relations. Abstract principles of international law put forth in the form of a pledge, without exacting any reciprocal conditions, are unnecessary and unmeaning, if not insulting. There could be no possible objection to these general principles, except in so far as their embodiment in a treaty might be considered an expression of contempt, if China would place herself in the same relation to us, that the nations of Christendom hold towards each other. But she has not done so yet, and what guarantee is there that she ever will? What is there in the history of foreign intercourse with her,

or in her entire career for upwards of two thousand years, to indicate that she has the slightest intention of making any voluntary change in her system? The fact that, since the Imperial government received the first intelligence of the successful operations of its Embassy, it has been more determined than ever to resist all experiment in the line of progress, certainly gives no encouragement to the hope that any change is contemplated. China is not going either to be seduced by fair promises into making concessions repugnant to her established policy, or to make them of her own accord. In that respect she has been consistent from the beginning, and so, I doubt not, will continue to the end. Of this we have no right to complain. All I contend is, that having forced obligations upon her, we must compel her to observe them, or recede from the position which we have undertaken to maintain.

I believe an unreserved recognition of the right of an ignorant pagan nation to do as it pleases, however retrogressive its action may be, or injurious to the cause of human progress, to be not only impolitic, but absolutely pernicious in its tendency. During the past year, since it has become known that the governments of the United States and Great Britain have pledged themselves unconditionally to this course a greater number of outrages have been perpetrated upon foreigners than during the previous eight years. Merchants and missionaries have been assaulted, and missionary converts murdered in Formosa; a brutal attack has been made upon an unoffending missionary establishment at Yangchow, which had not even attempted to preach the "objectionable" faith; an American missionary has been stoned and grievously wounded at Wuchang; violent assaults have been made upon converts at Kiukiang and near Foochow; a Catholic priest and many of his proselytes have been murdered in the province of Sechuen; the crew of a British gun-boat, in the peaceful performance of their duty, and within the limits of a treaty port, have been attacked; and other outrages, not necessary to enumerate, have been perpetrated in various parts of the country.

In all these cases, to which my attention has been called, I have, as my despatches will show, taken the most liberal view that the facts would justify. I believed it to be my duty, regardless of any personal opinions, to carry out faithfully the policy of my government. But I am satisfied now that this policy will not, without a rigid exaction of all the rights granted by treaty and the presence of force to maintain them, produce the desired results in China. It is simply pandering to the bigotry and self-conceit of the Chinese rulers, to treat them, under all circumstances and without any reservation, as independent and intelligent beings. I feel perfectly assured that no redress, in any of the cases enumerated, in which satisfaction has been obtained, would have been granted, or if granted carried into practical effect, without the presence of force. The Imperial authorities are free enough in promising redress, because they know the provincial officers are adroit enough to evade it; and have but little regard for truth.

It does not devolve upon us, and we would be recreant to the

teachings which have elevated us above barbarism if we undertook it, to perpetuate, by a blind submission to such outrages, a political fabric founded upon paganism, however long it may have endured, or however well it may have subserved its purposes.

What I consider most objectionable in the course pursued by the subordinate officers of the British government and sustained by our own, in the recent cases which led to bloodshed, is that so good an opportunity was lost, of demonstrating beyond question the utter inefficiency of the policy declared both by the government of the United States and that of Great Britain.

The danger to the foreign community was not imminent, and the action of the consular and naval officers prevented what all experience had shown to be inevitable—failure to obtain redress by diplomatic means unsustained by force.

I have enjoined upon our own consuls the utmost forbearance in their dealings with the native authorities. But there is a limit in this direction beyond which, I feel assured, forbearance would lead to war. Peace is not to be maintained by yielding everything and exacting nothing. Reference of all important questions back to the home governments, before a single gunboat can be used, and where telegraphic communication is rigidly prohibited, is simply to nullify and bring into contempt all diplomatic power in China. How can any case of local difficulty be settled where there is a premium offered for procrastination? Chinese testimony in Washington, London, or Paris is not likely to be received with the same distrust as it is here, where its value is known; so that in all future controversies falsehood will be placed upon an equality with truth.

The policy of seeking refuge on board of war vessels is both impracticable and humiliating. No community of Englishmen or Americans at any of the treaty ports will desert their hard-earned vantage-ground in the presence of danger. It is not a national characteristic of either to seek safety in flight. No wonder the bare suggestion of an alternative so degrading should be received here with incredulous amazement. There is something in Anglo-Saxon blood that burns at such a thought. The naval officer in command of a vessel, who would see a defenceless community of merchants or missionaries beleagured by a host of semi-barbarians, and not expend the last grain of powder in their defence, would merit the contempt of all honorable men, and dismissal from the service which he had disgraced. What American, what Englishman holding a commission would not sacrifice it, should the folly or imbecility of his superiors assure him of such a fate for doing his duty, rather than bear henceforth the brand of infamy upon his brow?

I am happy to believe that, in China, there is no such division of opinion as to the relative merits of American and English policy, and no such jealousy between the citizens of the two nations on this coast, as that recently shown by the newspaper press of the United States. The interests of each are regarded as concurrent, and I have not yet heard a single American merchant make invidious reflections upon the "threat policy."

Without going back into the history of treaties made prior to

1858, and the advances gained step by step under the pressure of British and French arms, up to the residence of foreign ministers at Peking, it will not be accounted strange that I should accept the facts of history in preference to unfounded theories of Chinese progression. Whether more advantageous results might not have been obtained by peaceable means; whether the fault of our unsatisfactory progress may not be traced to the unjust and iniquitous conduct of foreigners in China since the days of Kanghi; whether it would not have been better had justice, moderation and good faith been observed on both sides, are not questions that can now be determined. If we undertake to go back and make reparation for all the crimes and errors committed throughout the past, I fear we will not advance much in the future. We can only accept the present, and profit by experience; and if experience teaches anything it is that neither forbearance nor persuasion has ever advanced the cause of civilization a single step in this country.

In all the important conflicts with China which culminated in the treaties of Tientsin, the government of the United States in conformity with its established policy, maintained a position of neutrality. This position, however, furnished no ground for rejecting the concessions gained by the use of force. Mr. Reed in his despatches to Lord Elgin, frankly acknowledges the services rendered to our citizens, and our commerce by Great Britain; and in a letter to Mr. Cass, says: "Nothing is more likely to defeat the true aims of American statesmanship here, than a distempered jealousy of English or French progress, seeing, as I do, in the ports and markets of China, wherever English enterprise goes ours is quickly alongside of it; that every dollar Great Britain spends on its postal service, or in maintaining its naval force, is for our benefit." Similar acknowledgements were repeatedly made by Mr. Burlingame, who, in referring to the liberal course pursued by Sir Frederick Bruce, and others who had preceded him, in the inauguration of the co-operative policy, said; "there can be nothing more unmeaning than antagonism between the United States and Great Britain, in China." Mr. Williams referring to the revision of the British Treaty, bears testimony to the efficiency and general justice of the British government and its officials in China.

It is by no means certain that the Chinese are disposed to accord to Americans on account of their forbearance, a higher degree of respect or confidence than they accord to other nations. The impression has obtained in the United States that they are exceptionally friendly to us. I have discovered nothing during my residence in Peking, to warrant such an assumption. They regard Americans as they do all foreigners—with distrust. What was said by Tsung-ling and his associate Commissioners in 1854, that "the English barbarians are full of insidious schemes, uncontrollably fierce and imperious"; that "the American nation does no more than follow their direction"; that "every movement is the conception of the English"; may possibly have undergone some modification since that date; but, if so, I fancy it is rather in form than in substance. The experience of Mr. Reed in 1858 was, that,

"Steadfast neutrality and consistent friendship make no impression on the isolated obduracy of this empire. I never thought," said he, "that there was on the part of the officials any such distinction; I am now sure of it." Mr. Williams expressed similar views in 1859: "The principle of conduct towards all foreign nations which this government adopts, is isolation. 'Keep them at as great a distance as possible, and get into no quarrels with them if it can be avoided' is their rule. It is quite a mistake to suppose that the rulers of China have any *regard* for one nation more than another: that they are more friendly for instance towards the Americans than towards the English: they may perhaps *fear* the English and Russians more than they do the Americans; but they would be glad if none of them ever came near."

The Emperor Hienfung, on the occasion of Mr. Ward's humiliating attempt to reach the Imperial presence, expressed himself still more decidedly in an official rescript.

"What this foreigner (Ward) remarks that he respects the Great Emperor as much as he does *that* President [a contemptuous way of referring to the President of the United States] is nothing less than to class the Middle Kingdom with barbarous tribes. *Such wild exaltation of himself can only be relegated to subjects which make one laugh.*"

There has undoubtedly been a change in their estimate for foreigners since that date. The logic of arms has compelled respect. But if we suppose a change in their opinions and policy, we must suppose a cause. There has been no war since 1860; no act of flagrant wrong has been committed by any foreign power; no new policy has been eliminated; justice and moderation have been observed by all the treaty powers, the influence of Great Britain, as well as of the United States, has been freely given to the maintenance of the Imperial government against a rebellion, which would probably have crushed it but for foreign intervention. In effect, since the establishment of diplomatic relations at Peking, there has been a perfect accord between the foreign Ministers on all subjects of general interest. No special cause for preference has existed, and the best proof that no exceptional influence has been obtained, may be found in the fact that all advances made, all recommendations for the introduction of foreign improvements, all applications for grants, concessions or privileges of whatever character and from whatever source, have been rejected with the most rigid impartiality.

In the United States, the sending forth by China of an embassy to treat with the Western powers, was hailed as one of the grandest progressive movements of modern times. Sensible of the importance of encouraging foreign intercourse, China, it was alleged, had now of her own accord, abandoned her policy of exclusion and entered upon a career of improvement. She did not wait to be pressed, but took the initiative. All she desired was fair treatment and time to adapt herself to the new order of things. A proposition so reasonable as this, and so accordant with the generous sentiment of the civilized world, could not fail to be received with great favor. It was what everybody desired, and was considered, in America,

as furnishing gratifying evidence, not only of the progressive spirit of the age, but of American influence in China.

The movement, however, was not indigenous; nor does its object seem to be thoroughly understood. It is quite clear to my mind, that it was not intended by the Chinese rulers as a progressive movement. None of the foreign Governments were bringing any undue pressure to bear upon them. If they desired to adopt our improved systems of inter-communication and industry, who was preventing them? They were surrounded by the intelligent representatives of the Western Governments, who had contributed to the establishment of a pacific policy, and who had given evidence of their sincerity and friendship. What the Imperial authorities wanted, in reality, was to *arrest* progress, into which they found themselves drifting by the sheer force of circumstances. But it is a curious feature in the history of foreign intercourse with China, that every attempt made by the Chinese to force back the current of change, has had precisely the opposite effect from that intended. Every measure taken to restrict the advance of an aggressive civilization has resulted in an additional step forward. That this Embassy will contribute to the cause of progress, I have no doubt. Whatever brings nations nearer together, must tend to the establishment of a better understanding, and the removal of obstructions to friendly intercourse. This was very clearly seen by Lord Elgin in his negotiations connected with the Treaty of Tientsin in 1858. Objecting to the plea of ignorance set up by the Chinese Commissioners, when discussing foreign affairs—a plea doubtless well founded, but too frequently used as a subterfuge to evade responsibilities—he earnestly recommended “that the Emperor should send to Europe, high and trustworthy officers, and obtain that knowledge which it is essential to the dignity and security of his Empire that they should possess.” It was subsequently urged upon the Chinese Government by the foreign representatives at Peking, and was specially recommended by Mr. Burlingame in 1865, when that gentleman was about to visit Europe and the United States. It was also recommended by Mr. Secretary Seward in December 1865. But there was another and more direct influence at work, for some time preceding the appointment of the Embassy. On the dismissal of Mr. Lay in 1863, Sir Frederick Bruce and Mr. Burlingame strongly recommended the appointment of Mr. Robert Hart, as Inspector-General of Customs. This gentleman had the confidence of the Chinese government; he had laboured efficiently in its service, and he assumed the duties of his position with a thorough knowledge of the condition of the country, and the necessities of his employers. Although it was made a condition of his appointment that he should not reside at Peking, because of the troubles which had already arisen from the *quasi-diplomatic* position of Mr. Lay, his advice in a similar capacity was found so valuable to the government, that he has been absent only at occasional intervals since the date of his appointment, and since 1865 has resided permanently at Peking. That Mr. Hart co-operated in bringing about the Embassy to the West is generally acknowledged.

In fact, there is no room for doubt on the subject. Not only did he persistently urge the appointment of an Embassy ; but he very plainly demonstrated to the rulers that the nations of the West would eventually, in the execution of existing treaties, compel them to advance, if they did not do so voluntarily. All the measures of progress urged upon them, as essential to friendly intercourse and to their own safety, by the Ministers at Peking, were urged with great vigor and clearness by Mr. Hart. He frankly pointed out the inherent defects of their political system—the corruption of their provincial officers ; the utter lack of accountability in their fiscal system, and earnestly endeavoured to convince them, that their only salvation lay in forward movement. If they manifested a sincere desire to accept the ameliorations proposed by Western nations, then they would meet with generous support, and be aided in all their struggles to overcome the inherent difficulties of their position. But a contrary course would produce dissatisfaction, and pretexts would be found to overcome their obstinacy by force. This was wholesome advice, and it seemed for a time to be appreciated. But the astute mandarins had no idea of advancing. They were chiefly concerned to know how they could prevent innovations upon their established system, and at the same time avoid the troubles that threatened them. Undoubtedly they were in great difficulty both on account of internal disorder, and the complications growing out of the execution of existing treaties. A great rebellion had scarcely ended, leaving its necessary consequence of local destitution, and an impoverished treasury, and the minor rebellions, inseparable from their system, prevailed as usual in several of the provinces. Foreign merchants, missionaries and others were constantly urging, through the Ministers, an exaction of treaty rights, or such modifications in the treaties as would render the object for which they were made, attainable—all of which necessarily tended to the introduction of radical changes. A crisis was at hand—the revision of the British Treaty. Beseet by difficulties on all sides, conscious of their own weakness, unable to determine how far they could evade the responsibilities which had been forced upon them, ignorant of the ultimate designs of foreign governments, and incompetent to deal efficiently with the questions at issue, the rulers adopted the only alternative that promised relief from change ; an alternative in which, since the beginning of foreign intercourse, they have invariably sought refuge—procrastination. They sent forth an Embassy to the Western powers, ostensibly to explain their embarrassment ; to deprecate unfriendly pressure, and to ask that the principles of international law should be observed towards them ; in short, to establish their right to manage their own affairs in their own way, and to determine for themselves the time and opportunity for making any changes which they might deem expedient, or conducive to the welfare and happiness of their people. No denial of these rights that I am aware of, has been made by any foreign government, or any foreign representative, since the Treaty of Tientsin in 1858. On the contrary, they have been maintained in the utmost good faith by the whole diplomatic corps at Peking ;

but a faithful observance of existing treaties has been insisted upon, and these treaties have provisions regarding transit dues, monopolies, missionary privileges, etc., which involve changes in the fiscal, commercial, and social systems of the Empire. Here, therefore, were irreconcilable conditions, about which it was important there should be a better understanding.

There is no central authority here capable of observing, or if capable, willing to enforce, its obligations. There are no means of checking abuses on the part of the Provincial Authorities; no facilities for intercommunication or appeals to organized courts of justice, as in other countries.

Between the two positions of non-interference, and the execution of treaty rights lies the whole difficulty. It is for the Western powers to determine how far they will insist upon the observance of treaties, rejecting of course as untenable the position that these rights embrace others not specified or intended to be granted.

The Embassy to the West has been received in a manner creditable to the generous spirit of the age. Whatever errors may be committed through misconception of facts or excess of zeal, the cause is one which appeals to the highest sentiments of the Christian world; and truth will ultimately be eliminated. The stubborn logic of results will dissipate all illusions. I look upon the movement therefore, whatever its design may have been, as abounding in promise for the future. But it is the characteristic of an enthusiastic and progressive race, to overleap all obstacles, and seize upon the conclusions which they desire. This, I fear, will meet with many disheartening checks, before the end really desired by the nations of the West is attained. China neither sees her way clear at present to an acceptance of the ameliorations proposed, nor has she, so far as facts warrant us in believing, the slightest desire to substitute foreign systems for those which have answered her purposes through so many successive generations. All that the rulers of this Empire desire is, to be left free to work out their own destiny in their own way, and that is simply retrogression and final relapse into barbarism. They make small concessions to avert greater ones. The whole struggle is against making any at all. I state this, not in the way of depreciation, but as an incontrovertible fact which we are bound to confront. It is a subject for sympathy rather than complaint, a vast empire with an industrious and inoffensive population, in many respects worthy of esteem, maintaining an unequal struggle to preserve its ancient systems against the combined powers of the world. We of the West, see that paganism and the isolation necessary to its existence, must give way in the natural progression of events. Doubtless they too see that a great change, beyond which all seems in their ignorance dark, disastrous, is being forced upon them; but they cannot see the justice of it. Instead of attributing to them, either capacities or motives irreconcilable with their whole history and with their present condition and limited intelligence, it is our duty to enlighten and to elevate them. But it is not by pandering to their superstitions or their weaknesses that this is to be done. The strong hand of pressure may be more humane in the end than empty

flattery. No reliance can be more uncertain than that based upon the forbearance or magnanimity of the treaty powers. They may be separated by diversity of interests or by the accidents of war. The best friends of China will undoubtedly prove to be those who can induce her to strengthen her organization, and render herself able and worthy to maintain an independent position. There is no security in procrastination. Nothing upon earth or in national or individual life is absolutely stationary. Either retrogression or advance is inevitable. How far the one may be justifiable, if it be possible to avert it, or the other be insisted upon as essential to friendly intercourse and the maintenance of existing-rights, remains to be determined by the dominant powers.

If the citizens and subjects of Western nations must be content to limit their intercourse to the treaty ports, and depend for protection upon an impracticable policy, there is no guarantee that the limitation will not have to be carried still further. All experience shows that a retrospective movement once commenced in this country inevitably leads to war. Neither the United States nor Great Britain can desire this. Our present relations with China are friendly, and peace and good understanding can easily be maintained by a policy at once equitable and firm. There is no occasion for disturbance of these amicable relations; nothing but a criminal disregard of existing conditions can lead to war; and the best way to avoid it is to insist upon the execution of our treaties.

And now, gentlemen, with many thanks for your kindness, and my best wishes for the success of your cause, I am very truly,

Your friend and servant,

J. ROSS BROWNE.

APPENDIX D

INSPECTOR-GENERAL'S PROPOSALS FOR THE BETTER REGULATION OF INTERNATIONAL RELATIONS

I. Introductory:

1. The Yamen's instructions; what they call for, and aim at.
2. Whatever is recommended must bear two sets of tests.
3. Past arrangements and present situation: their more striking features.
4. Foreigners desire growth, and are progressive; Chinese aim at self-preservation, and are conservative.
5. Extraterritorial stipulations as seen from two opposite standpoints.
6. What proposals must do to be acceptable.
7. Past arrangements elicited three kinds of complaints—Commercial, Judicial, and Administrative; the proposals now submitted similarly classified.

II. Commercial:

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| 8. | Commercial complaints: | Port and Inland. |
| 9. | " | Port complaints. |
| 10. | " | " " Import Trade. |
| 11. | " | " " Export Trade. |
| 12. | " | Inland complaints. |
| 13. | " | Chinese counter-charges. |
| 14. | " | " " Port. |
| 15. | " | " " Inland. |

II. Commercial (cont.):

16. Commercial complaints: the necessary, not accidental, result of the Treaties.
17. " " how their causes can alone be removed.
18. Commercial Proposals—First set: To change present, and substitute presumably better arrangements.
19. " " Second set (alternative): To interpret existing stipulations liberally.
20. " " Third set (alternative): To interpret existing stipulations strictly.
21. " " Fourth set (alternative): To invite mercantile suggestions.
22. Proposals to be weighed from standpoint furnished by preceding remarks.

III. Judicial:

23. Judicial stipulations of the Treaties.
24. Complaints originating in treatment of cases affecting Person.
25. " " " " Property.
26. " " " " Revenue.
27. Complaints point to differences in Principle, Law, Procedure, and Penalty.
28. Judicial Proposals—First set: To establish a common code, &c., for mixed cases.
29. " " Second set (alternative): To establish procedure for joint action in mixed cases.
30. " " Third set (alternative): To establish procedure for settlement of cases growing out of loss of life.
31. " " Fourth set (alternative): To enable each to know how the other proceeds.
32. What is chiefly wanted to silence judicial complaints.

IV. Administrative:

33. Connection in which administrative questions come up for consideration.
34. Explanatory of the complaints styled "Administrative."
35. China: why unwilling to welcome innovation.
36. " why unwilling to follow foreign advice.
37. Ex-territoriality: what it effects, and what it obstructs.
38. " if renounced, what would result?
39. " what the foreigner values and China fears in the word, not identical.
40. Administrative Suggestions—First set: To establish uniformity of treatment.
41. " " Second set (alternative): To establish reciprocity in treatment.
42. " " Third set (alternative): To establish sameness in Treaties.
43. " " Fourth set (alternative): To establish speedier revision of Treaties.
44. What is chiefly wanted to silence administrative complaints.

V. Concluding:

45. Changes in, not confirmations of, existing arrangements wanted.
46. Advantages likely to follow adoption of first sets of proposals.
47. Some foreign objections indicated.
48. Some native objections indicated.
49. Commercial, Judicial, Administrative,—why this sequence was adopted.
50. Conclusion.

I.—Introductory.

§ 1. A necessity having arisen for the introduction of arrangements for the better regulation of commercial relations, the Chinese Foreign Office issued the following instructions to the address of the Inspector-General of Customs:

(Translation.)

The Tsungli Yamên (Board of Foreign Affairs) issues instructions to Mr. Hart, Inspector-General of Customs.

With reference to the proposed adjustment of the Maritime

Revenue and *li-kin* Taxation at the Treaty ports, the Yamên conferred verbally with the Inspector-General on the 23rd day of the 8th month (22nd September) as to the principles on which such adjustment should proceed; and on the 5th day of the present month (3rd October), a Memorandum on the points to be considered was handed to the Inspector-General (copy inclosed). He is now again directed to consider the subject carefully in all its bearings, guided by the Conference and the Memorandum aforesaid: he must bear in mind how all-important it is that his proposals should be advantageous and not harmful to China,—that they should be capable of being easily worked and effectively carried out at the Custom-houses and barriers and by the local authorities,—and that they should also be such as would not be likely to cause complications or present difficulties hereafter.

The Inspector-General is in the first instance to embody his proposals in a Memorandum to be submitted to the Yamên, on which action will be taken without delay.

Kuang Hsü, 1st year, 9th moon, 8th day (6th October, 1875).

Inclosure.

I. It is suggested that China may continue to levy *li-kin* taxes provided she consents to open more ports to foreign trade. Should this be formally assented to, could all the Treaty Powers be induced to acquiesce in such an arrangement and accept its conditions?

II. For example, with regard to foreign goods—it is proposed that both import and transit duties shall be paid together on importation. In the various Treaties, however, the stipulations on this point are not identical; while in some it is provided that there shall be only one payment, in others it is left optional either to make one payment, or to pay by instalments when passing the barriers. Would it be possible to obtain the consent of all the Treaty Powers to the adoption of one rule which would ensure an uniform procedure at every Custom-house? Besides, in some of the Treaties it is directly laid down that regulations agreed to by one Power are not binding on other Powers. How is this to be got over? Should there be diversity on either of these points, it will be impossible for the Chinese Custom-houses and barriers to make the necessary distinctions.

III. Again, as for the proposition to open additional ports to foreign trade in consideration of the *li-kin* taxes being retained—once it is decided that a certain port shall be opened, other Powers, who will not agree to the *li-kin* taxation, will nevertheless claim access to the port under the “favoured-nation” clause. Moreover, if the opening of new ports be conceded now, how could China assent to the demands other Powers (at a future time, or at the time of Treaty revision) might make for the opening of more ports? Before, when the question of adding to the Treaty ports was discussed at the revision of the (British) Treaty, the plan adopted was that one port should be given in exchange for another. But if, in future, it is proposed to go on opening ports indefinitely, not

only is China without an unlimited number of ports to open, but there would be no ports to exchange.

The Yamen, in intrusting the consideration of this subject to the Inspector-General, has only, in conclusion, to impress on him that his proposals must involve no injury to China, and that they must be such as can be easily worked and effectively carried out at the Custom-houses and barriers, and also be susceptible of a satisfactory explanation to anyone who may discuss them. If this is not done, not only will no advantage be derived, but those who are willing to carry them out will not be able to do so; and, rather than break faith through failure in performance, it would be better to arrange to deal with foreign goods and opium in accordance with existing Treaty regulations, and carry out the former proposals of adjusting the *li-kin* taxes in such a way as to secure their exemption.

Moreover, if the Chinese public again discuss the question of transit duty and the general levies on ships, pulse, &c., the withdrawal of prohibitions must be capable of satisfactory explanation, and the Yamen must not find itself without effective arguments against objections.

However, of all the above considerations, what must be sought for as of the most importance is a scheme capable of being effectively worked. Accordingly, the Inspector-General is asked to draw up a Memorandum on these points for the Yamen's consideration—a Memorandum whose proposals shall be advantageous and not harmful; otherwise time will be wasted in idle discussions, without ever obtaining practical results.

October 6, 1875.

The discussions which preceded and accompanied the issue of these instructions need not be specially or separately dwelt on: in one connection or another all the points raised will be adverted to in the following paragraphs, but they will be treated of as part of the general question, and not as having formerly come up on such and such occasions. Besides, the dates fixed for Treaty revision have already arrived for some, and will soon be arriving for the other Treaty Powers, and it is accordingly thought better to deal with the subject as affecting, and affected by, all.

The instructions call for such proposals for the better regulation of commercial relations as shall be—

- (1) Suited to the locality;
- (2) Feasible for the Customs; and—
- (3) Acceptable to all the Treaty Powers.

The difficulty of drawing up proposals that shall at once meet all these conditions is apparent, but the wisdom of imposing such conditions cannot be questioned. If not suited to the locality in which they are to be operative, new rules will but cause fresh troubles; if not feasible for the Customs, new rules will but elicit new complaints; if not acceptable to all the Treaty Powers, new rules will not only result in a greater divergence from uniformity, but, applied where inoperative and withheld where operative, will prove self-destructive, engendering endless confusion, and causing reclama-

tions on all sides, as well from those who were, as from those who were not, parties to them.

The Yamén's instructions make special reference to revenue and taxation, but what is really wanted is a set of proposals for the better regulation of commercial relations generally; and what is to be effected by this better regulation of commercial relations is, on the one hand, the removal of whatever is injurious to the rightful interests of foreign trade; and, on the other, the suppression of such abuses as affect native trade and native revenue unfairly. It is, in short, desired to eradicate every cause of complaint, and place commercial relations generally on such a footing that they, at least, and the kind of intercourse they necessitate, shall occasion no unpleasantness between the Treaty Powers and China.

§ 2. In order to prepare the way for the proposals to be now submitted, it is necessary to indicate some of the more striking features of existing arrangements, describe the complaints they have called forth, and state the requirements of both foreigner and native. This is all the more necessary, inasmuch as, in order that proposals shall meet the conditions formulated in the Yamén's instructions, the matter of any proposal must first bear to be tested from the standpoints furnished by two sets of circumstances, viz. :—

(1) Circumstances that are likely to induce China or Treaty Powers to accept or reject any proposal when suggested; and—

(2) Circumstances that are likely to further or impede the working of any proposal when adopted.

§ 3. It is trade that brings foreigners to China, and it is for the protection and extension of trade that Treaties have been made. The trade of the day may be described thus: it gives freight to about 10,000,000 tons of foreign shipping annually; imports may be valued at 28,000,000*l.*, and exports at 27,000,000*l.*; the revenue accruing to China is 4,000,000*l.*; 340 foreign firms are engaged in business, and about 3,500 foreigners are resident at the open ports. Of the trade, 70 per cent. is English, 10 per cent. American, and the remaining 20 per cent. is made up by France, Germany, and the ten other Treaty Powers.

The more striking features of the Treaties may be said to be as follows:—At this date there are fourteen ports open to foreign trade; but as yet there is no authoritative definition of the word "port," and port limits are nowhere marked out. Foreigners are allowed to settle at the ports and travel in the interior, but are not to reside or rent *hongs* inland. Merchandise on arrival at a port pays import duty, and on departure export duty, according to a tariff intended to lay a charge at 5 per cent. *ad valorem* on all commodities; but after payment of import duty and before payment of export duty, imports and exports are subjected to other taxation; further, merchandise of foreign origin may be taken inland, and native produce for foreign export brought from the interior, free from other charges on payment of a transit due equal to half the Tariff duty (2½ per cent.), or, if it be not elected to pay the transit due, on payment of ordinary local charges; but the transit rule is held by China to cover imports only from port to place, and produce only when intended for foreign

export. Unsaleable goods re-exported are entitled to drawbacks ; but China limits the time within which drawbacks may be claimed. Where foreigners alone are concerned, all questions of life and property are arranged by their own officials, the Consuls, and where both natives and foreigners are concerned, native and foreign officials may act in communication ; but such conjoint action is left to chance, and no fixed procedure has been laid down for the guidance of either side. Consular officers are stationed at the ports and Ministers are resident at Peking ; but the ministerial position at Peking is not accorded those privileges which are its rights in other capitals. Finally, one of the results is, that, as the Treaties provide one kind of treatment for the foreigner, and the laws another for the native, occasions are constantly presenting themselves, on which it is to the foreigner's advantage to be treated like a native, and to the native's advantage to be treated like a foreigner.

Such are some of the salient features of existing arrangements, and among them the most remarkable are the extritorial articles. The foreigner's fore-knowledge of his own requirements dictated the stipulations the Treaties contain, and the native's awakening consciousness of his international status, and of the effect of Treaties upon his domestic condition, has ever since made him anxious to shape their working. It is not to be wondered at that the foreigner should have sought for and secured extritorial privileges, and just as little is it to be wondered at that the creation of such privileges should have led China to view foreign intercourse from a standpoint which very few foreigners as yet realize.

§ 4. If it is asked what more the foreigner wants in China, seeing that he has all that the preceding paragraph enumerates, the reply is, that on the foreign side the end now sought for is freedom for every kind of trading or industrial operation, and with that freedom is claimed ample protection for all concomitant rights. Resolve this generalization into its components, and it means that the foreigner wants unrestricted access to whatever place interest suggests ; taxation according to a fair, fixed, and uniform Tariff ; improved means of locomotion and transit ; right to use all appliances suited for the development of local resources and new industries ; and foreign, as distinguished from Chinese, treatment for person and property.

On the Chinese side, the object hitherto and still kept in view has been, and is, self-preservation ; change is not welcome—change is always suspected and subjected to counteracting influences on every side—change is only recognized as a native growth when it takes root and spreads imperceptibly and healthily among the people of a locality—change is rarely accepted on foreign suggestion except when imposed by foreign force.

Thus, foreign and native aims—the one progressive and the other conservative—are at once seen to be of such a kind that the foreigner must be content to wait with patience for native developments if he is to gain his end peaceably, and the native must acquire an enlightenment of a kind yet little known in China, if he is to move forwards of himself towards, and finally acquiesce

in, the same result. As for this Chinese desire to keep change at a distance, the impossibilities of such a programme are gradually becoming more generally known and acknowledged.

§ 5. While following up his own aims in China, the foreigner carries with him one striking peculiarity—extritoriality. He comes to China for gain, but he first of all wants what he considers security; he has thus got almost complete extritoriality, and to it he seeks to add almost as complete liberty of action. But, whatever the demands of commerce may be, home Governments cannot but admit that there are here and there restrictions in themselves proper to be enforced.

When China acquiesced in various Treaty stipulations, it never occurred to her that what she was conceding was what goes to constitute what is now termed extritoriality. The stipulations gradually showed their shape, and what they concede and how such concessions operate on the country that grants them, are now increasingly understood in China. Such an arrangement may, of course, save China the trouble of settling interforeign disputes; but its advantages in this direction have not been found to compensate for what is felt to have been thereby lost in governmental tone.

Accordingly, when the foreigner seeks for extension of intercourse and greater freedom generally, and couples with the request for this the demand that he shall remain on the same footing, *i.e.*, extritorialized, friendly negotiation has difficulties to encounter that were unknown to first-comers who dictated Treaties.

In view of the fact that extritorial stipulations do exist and are really operative, it is evident that any proposals which do not make adequate provision for the security of life and property will not be acceptable to the Treaty Powers, and in view of the fact that, whatever they may contain of what is expedient and useful, extritorial stipulations do contain a something that the Government concerned must sooner or later take exception to, it is equally evident that any proposals which ignore what China feels and says on the subject of existing arrangements will similarly be unacceptable to China.

Accordingly, in reviewing the commercial side of intercourse, it becomes necessary to consider also what Commercial Treaties have done by way of giving a peculiar status to the foreigner, and for the settlement of questions to which he is a party.

§ 6. China recognises the fact that the foreigner differs from the native in countless ways, and that special arrangements are necessary for his affairs; China is as ready to acknowledge this as the foreigner, seeing how different are natives from foreigners, is to demand special treatment; and, taking it for granted that on both sides there is a sincere desire for friendly relations, it ought not to be impossible to find a common mean. But to really find this, it is the facts of the day, and not the legislation of a former period, that must be given prominence.

Foreigners not being at all likely to surrender what may be called defensive extritoriality, and China not being at all likely to invite

foreign suggestions or willingly assent to foreign demands while what may be called aggressive exterritoriality is maintained, the proposals the Yamên's instructions call for—if they are to have any practical value—must put forward considerations that are calculated

(1) To convince the Treaty Powers, that the limitations of any stipulation afford sufficient margin for the exercise of the rights it guarantees ;

(2) To induce China to see that the concession is not unlimited ; and,

(3) To promise an improvement on the regulations and procedure now existing.

§ 7. What, then, is the foreign complaint that has resulted in the issue of the instructions now received ?

Taken at its widest, the foreign complaint is that China does not let foreigners do in China, *plus* exterritoriality, what they suppose they would be allowed to do at home. Foreigners cannot establish themselves at pleasure in the interior ; cannot open mines ; cannot make railways ; Chinese themselves are not allowed to introduce foreign appliances ; foreign goods are taxed at the Treaty ports where, having paid import duty, they ought to be free, and, after next paying transit dues and thus purchasing (it is said) the right to future exemption, are again taxed in the interior times without end. Foreign claims, whether against defaulting traders or Treaty-violating mandarins, are always trifled with and never satisfied ; foreigners are insulted, assaulted, killed, and redress is either not obtainable, or is of such a kind and so tardily granted as to only aggravate the original offence, &c., &c., &c.

Viewed as to their origin and nature such complaints or causes of complaint may be arranged under three general heads :—

(1) Commercial, or Treaty rights withheld and interfered with ;
(2) Judicial, or litigation unsatisfactory and rarely successful ;
and,

(3) Administrative, or suggestions for progress not adopted.
Under these heads, and in the same order, will now be found some remarks on each class of complaints, followed by the proposals the Yamên's instructions call for.

II.—Commercial.

§ 8. When we examine what the foreigner says about intercourse from the commercial point of view, it is found that Treaty provisions are spoken of as not having full effect given to them ; and the complaint is that Treaty rights are here withheld and there interfered with. It will be convenient to look into these complaints under two headings :—

(1) Port complaints ; and,

(2) Inland complaints.

But it is throughout to be remembered that foreign complaints of rights withheld are accompanied on the other side by Chinese counter-charges of privileges abused.

§ 9. Under the first heading, port complaints, foreigners allege—

(1) That their import business is checked by the heavy taxes levied on foreign goods at the ports in the form of *li-kin* and other charges, after and in addition to the payment of import duty ; and,

(2) That their export business is in turn hampered because they are called on to prove payment of inland taxes, or pay transit dues in default of proof, on native produce purchased at the ports.

§ 10. As regards import business, it is beyond dispute that *li-kin* and other taxes are levied on imports at the ports ; at Shanghai, Amoy, Foochow, and latterly at Tientsin, such charges have been notoriously heavy.

On the one hand China maintains that no special areas are included in what are called Treaty ports, that no stipulations have been made as to what is not to be done at Treaty ports ; that the Government has as much right to levy such additional taxes at the ports themselves as it has to levy them on duty paid imports at any place in the interior ; and that there is no reason why people should be exempted from such charges at the ports any more than inland.

There are various considerations to be urged in support of the position thus taken up.

On the other hand the foreigner holds that his payment of import duty ought to admit his goods into circulation at the " port " without further charge ; that the wording of the Tariff rules, which interpret the transit privilege and fix the transit procedure, by making transit dues leviable only when a commodity is passing the first barrier on its way inland, not only constitutes that barrier the dividing line between port and interior, but implies that, till that line is crossed, goods are of course not to be called on to pay additional charges, and thus postulates his right to port exemption ; and that, as for charges paid by people at the ports compared with those paid by people in the interior, in the natural order of circumstances, increased distance from the place of production entails additional charges and enhanced value. Here, again, there are many considerations to be urged in favour of the foreigner's views.

The one thing that there is no doubt about is that heavy *li-kin* charges do exist and do obstruct the growth of import business. At the same time, when the foreigner goes on to say that, if these heavy port charges are abandoned, import trade will increase and import duties make up for lost *li-kin*, China replies that, be that as it may in the abstract, if *li-kin* is not collected now, inland tranquillity, so essential to the continuance of even the trade of to-day, cannot with certainty be maintained.

Again, when the foreigner complains that his opium business is harassed and interfered with by the surveillance exercised and arrests made at his very door by the *li-kin* officers and spies, the Chinese retort that it is necessary to act thus, seeing that the native smuggler has always the sympathy and aid of the foreign trader.

It is thus at once evident that each party owes full consideration to the statements of the other, and that the conflict of rights and interests on both sides can only be arranged by mutual concessions.

§ 11. As regards export business, the Chinese demand for transit

dues where proof of payment of inland taxes on native produce purchased at a port is not forthcoming, has its pros and cons also.

On the Chinese side, it is urged that the Tariff rule supports the demand: "Permission to export produce which cannot be proved to have paid its transit dues will be refused by the Customs until the transit dues shall have been paid,"—and it is argued that, even without this express rule, the demand is in itself reasonable.

On the foreign side, it is replied that the words quoted have special reference to produce brought from the interior under transit passes, and do not apply to produce generally, and that it is not fair to demand such proof from an exporter of produce; for how can he adduce it, seeing that his total shipment has been bought piecemeal on twenty or thirty different occasions from forty or fifty different middlemen, who in turn had purchased in small lots from producers, which producers had brought their produce to the market at different times, by different routes, and had paid transit dues or inland taxes at various barriers and offices?

Thus each has a something with which to support his claim, and here again it is consideration for each other's views and mutual concession that will affect most. The Chinese Government has a fair right to protect itself against loss of inland revenue as the result of the transit privilege it has conceded, and the foreigner has as fair a claim to be freed from a burthen which ought not to be put on him.

§ 12. Under the second heading, "Inland Complaints," the foreigner alleges:—

- (1) That transit certificates are not respected *en route*;
- (2) That after arrival at their destination, transit-paid imports are again subjected to local taxation;
- (3) That foreign goods in the interior are either differentially or prohibitively taxed; and
- (4) That, by means of various charges collected from producers, the transit privilege for native produce brought from the interior for foreign export is completely neutralized.

In reply, China urges the necessity for raising funds, a necessity which exists and operates in China just as in other States, and the difficulty of preventing mistakes along routes that are only recovering tranquillity after a long period of rebellion. Further, pointing to the abuse of transit privileges by foreigners, China maintains that transit certificates merely protect from taxation *en route*, i.e., from port to place inwards and from place to port outwards, and contends that, away from the transit certificate, all goods on Chinese ground are simply Chinese goods, whatever their first origin; the payment of transit dues does not entitle native produce to receive back what it had previously paid by way of local taxes, nor does a similar payment in the case of foreign merchandise free it for ever after from all further taxation.

That the case is as the foreigner complains cannot be wholly denied; as little, or less, can it be said that there is no force in what China puts forward in reply. But even admitting that the occurrences foreigners object to have been sufficiently numerous to

warrant remonstrance, it must be pointed out that while, on the whole, very few instances of refusal to respect transit documents have been actually adduced, the majority of the few known cases have really been cases in which either transit documents were being used for goods they ought not to cover, or non-transit-paid goods were travelling in company and mixed up with transit-paid goods—in a word, in the majority of known cases there has been quite sufficient reason for supposing that the transit privilege was being abused. The transit system has existed some fifteen years; tens of thousands of certificates have been issued, and not twenty cases in all have been instanced in which the certificates are known to have actually failed to do what they were intended to accomplish, a fact which, notwithstanding what the one party says about interference with, and the other about abuse of, the transit privilege, on the whole, speaks well both for the system and themselves.

At the same time, seeing that complaints do exist—complaints, on the one side, of a transit right not respected, and on the other, of a transit privilege abused—not only would it be well to have an authoritative declaration of the intention and scope of the transit stipulation, but advantage ought to be taken of the opportunity to reconsider the general question, and introduce any improvements likely to help the satisfactory working of the very important rules which provide for access to both inland marts and producing districts.

§ 13. But while thus much is said about foreign complaints concerning Treaty rights withheld or interfered with at the ports and in the interior, it must not be forgotten that China has also put forward counter-charges, and that this review of the conditions subject to which the proposals called for must be made, would be incomplete were Chinese complaints neither indicated nor examined.

§ 14. Thus, at the ports, China complains—

(1) That foreigners act as consignees for Chinese-owned, foreign-bottom-brought goods, to enable those goods to evade the local charges payable on native-bottom-brought goods of the same description, and that they thereby defraud the revenue and place Chinese trading in their own names at a disadvantage.

The foreigner replies that, (1), the flag covers, the goods, and that what is entered under one Tariff—the foreign—is not liable under the other—the native; and besides argues, (2), that having already paid import duty according to the foreign Tariff, it is unfair to the goods, and harmful to the interests of foreign shipping, to let them be taxed further. Both clauses of the reply have something in them; but so has the complaint; moreover, it must be allowed, that, whatever else Treaties and intercourse aim at doing, it is not intended or desirable that their provisions and conditions should be wrested to injure Chinese revenue. The matter is clearly one that ought to be attended to, and arranged for.

(2) That foreigners convoy opium for Chinese, to prevent the collection of *li-kin*.

The preceding remarks apply to this also, but it may be added that this practice of convoying opium is not only less justifiable than the act of appearing as consignée of Chinese-owned Chinese

goods, but, if carried to a certain point, becomes criminal, and exposes the person concerned to the greatest personal risk.

(3) That foreigners make it part of their port business to sell their names and transit documents to Chinese to cover produce brought from the interior, but neither intended for foreign export nor in any way the property of foreigners.

This complaint is connected with those that follow under the heading of Chinese Inland complaints.

§ 15. While it is thus at the ports, it is complained inland—

(4) That foreigners bring down produce from the interior for Chinese, and that, as such produce is not intended for foreign export, and does not concern foreign trade, goods are thus brought under the transit rule which ought not and were not intended to have the benefit of it, not only causing loss to local and special revenue, but creating for one man's goods unfair advantages over those of other men.

This complaint is believed to be founded on fact, and the proceeding is, beyond question, an abuse. Its rectification would form part of any authoritative declaration of the scope of the transit rules.

(5) That foreigners purchase produce inland, and, after passing it "in transit" at various barriers without payment of taxes, sell it in the interior, thus escaping both local tax and port transit due, causing loss to revenue, and competing unfairly with native traders.

It is doubtful whether there have been many instances of such inland trading, but it is not an impossibility, and, in any re-arrangement of the general question, the rectification of this possible abuse ought not to be overlooked.

(6) That foreigners engaged in a lawful transit business engage at the same time in an illegal inland trade alongside of, and covered by the lawful trade, *e.g.*, by both buying and selling produce in the interior, and by carrying goods not entered for transit in company with goods covered by transit documents.

This charge may or may not be well-founded ; in any case, the complaint needs to be kept in mind.

(7) That foreigners defy the officials at the inland barriers and refuse to submit to examination.

If this occurs the foreigner is clearly doing wrong, but to permit it to occur is the fault of the barrier officials. Such complaints were often heard some years ago, but latterly no instance has come under notice.

§ 16. It will be seen that both foreign and native complaints at the ports and in the interior are not chance growths, but the necessary products of a system and its rules. Commercial intercourse may be said to mean, first of all, exchange of products ; thus commercial intercourse between China and not-China would mean exchange of China's for not-China's products. But commercial intercourse between China and not-China under the Treaties covers something more ; it means not merely exchange of China's for not-China's products, but goes further and authorizes not-China to engage in China's internal trade,—in the exchange of the products of any one part for those of any other part of China. It does not even stop

here—it goes still further ; it means that not-China shall engage in China's internal trade, not in accordance with China's regulations and tariffs for native traders and inland budgets, but in accordance with a novel system devised for not-China's advantage as a foreign trader, and a tariff and regulations originally intended for foreign and not native trade. The foreign tariff and its attendant rules may be unobjectionable as long as their operation is restricted to commercial intercourse in its first signification ; but, set up in competition with a native system and applied to internal or domestic trade, they have created a serious derangement in China's affairs. At every point they favour the enterprise of the native who breaks native laws, and while they thus act injuriously on honest Chinese traders, they also create difficulties for and make enemies of the officials who administer native laws ; at some points they even restrict the foreigners' own operations. The result has been harmful to native merchants and native revenue, and the sense of this has again resulted in opposition to the extension of foreign intercourse and interference with the rights of foreign commercial intercourse properly so called. Most if not all of the complaints are to be traced directly or indirectly to the contemporaneous existence of two systems—a foreign tariff and a native tariff—side by side, and until this is changed complaints must continue to be uttered.

§ 17. What precedes in a word amounts to this : the foreigner complains that China violates his Treaty rights. China complains that the foreigner abuses his Treaty privileges. New rules ought, therefore, to aim at doing two things : they ought to reduce China's temptation to violate the foreigner's Treaty right to a minimum and make the abuse of Treaty privileges an impossibility for the foreigner, and they must neither create new burthens nor rescind existing privileges. These ends can only be secured when each party is really desirous of a fair and satisfactory settlement, and ready to concede to what the other urges all the consideration the circumstances merit.

The commercial proposals will now be submitted in four alternative sets.

§ 18. *Commercial Proposals : First Set.*—Seeing that foreign commerce is really interested in but a few of the hundreds of classes of articles that reach and leave Chinese ports, and in order, on the one hand, to secure for these few classes the fullest possible benefit of the widest interpretation of the Treaty rights held by some to already exist, *i.e.*, freedom from all taxation on payment of a fixed tariff duty, and, on the other, to secure for China the greatest possible exemption from any abuse of Treaty privileges in respect of all other goods, *i.e.*, no right to exemption from necessary local taxation, it is proposed :—

Imports.

(1) That, on the one hand, the Treaty Powers shall consent that the following imports, say, cottons, woollens, metals, and sugar, shall pay import duty and transit due simultaneously to the Maritime Customs on arrival at a Treaty port ; and that, on the other, China

shall consent that the said goods shall be for ever after in all parts of China, whenever, wherever, and with whomsoever found, free from every kind of local, territorial, or special tax.

(2) That, on the one hand, the Treaty Powers shall consent that opium shall pay an import duty of 120 taels per picul to the Maritime Customs on arrival at a Treaty port, and that away from the port, *i.e.*, at a distance of thirty li from the Custom-house, it shall be regarded as a Chinese commodity, and be subject to local, territorial, and special taxation, whenever, wherever, and with whomsoever found; and that, on the other, China shall consent that no other charge shall be levied at the port.

(3) That, on the one hand, China shall consent that all other imports shall be freed from payment of import duty and transit due to the Maritime Customs on arrival at Treaty ports; and that, on the other, the Treaty Powers shall consent that all such goods shall be dealt with after landing—but not in connection with landing—by the local territorial authorities in accordance with local regulations.

(4) That, on the one hand, China shall consent that at distributing ports having a direct foreign import trade, such as Shanghai, the duty-paying imports above named may be entered as “in transit for other ports,” and, a bond being given by the original importer, be freed from payment of import duty and transit due for a period of _____ months or till arrival at another port; and that, on the other, the Treaty Powers shall consent that three years after arrival re-exports shall not be entitled to “drawbacks.”

Exports.

(5) That, on the one hand, China shall consent that the following exports—the staples of foreign trade outwards—say, tea, silk, sugar, and cotton, shall be exempt, whenever, wherever, and with whomsoever found, from every kind of local, territorial, or special tax in every part of China; and that, on the other, the Treaty Powers shall consent that the said goods shall pay export duty and transit due simultaneously to the Maritime Customs on shipment at a Treaty port.

(6) That, on the one hand, China shall consent that all other exports on shipment at Treaty ports shall be freed from the payment of export duty and transit due to the Maritime Customs; and that, on the other, the Treaty Powers shall consent that all such goods shall be dealt with in every part of China—but not in connection with shipment—by the local territorial officials in accordance with local regulations.

Transit.

(7) That, on the one hand, China shall consent that foreigners and natives may alike take, send, buy and sell cottons, woollens, metals and sugar inland, without being anywhere or at any time subject to any tax or charge whatever; and that, on the other, the Treaty Powers shall consent that foreigners or natives who may

take, send, buy or sell other goods inland may alike do so, but without exemption from any local, territorial, or special tax or impost.

(8) That, on the one hand, China shall consent that foreigners and natives may alike bring, send, buy or sell tea, silk, sugar, or cotton from, to, or at inland places, without being anywhere or at any time subject to any charge whatever; and that, on the other, the Treaty Powers shall consent that foreigners or natives who bring or send, buy or sell, other Chinese produce from or to or in the interior may alike do so, but without exemption from any local, territorial, or special tax or impost.

(9) That all transit documents being thus done away with, aliens must carry with them the prescribed passport when travelling in the interior.

Treaty Ports.

(10) That in return for this general re-arrangement of the commercial question, China shall consent to open new ports to foreign trade,—say, Chungking, Ichang, Nganking, Wuhu, Wenchow, &c.

Revision.

(11) That in return for this general re-arrangement of the commercial question, the Treaty Powers shall consent that every fifth year there shall be revision of the Commercial Regulations and Tariff, when the list of duty-paying goods, rates of duty, differences of rate resulting from differences in measurement and quality, &c., shall be reconsidered: the revised rules, &c., to come into operation the following year.

§ 19. *Commercial Proposals: Second Set.*—Supposing that the first set is negatived, and seeing that complaints have their origin, on the one hand, in want of clearness in the Treaties, and, on the other, in difference of rules for natives and foreigners,—seeing, besides, that, in point of want of clearness, the chief defect in the Treaties is in the provisions respecting merchandise that has paid duties or transit dues, and that the chief evil resulting from difference of rules is the impossibility of uniformity, it is proposed:—

(1) That imports of foreign origin, after payment of import duty, shall be free from every kind of tax at the port, and shall not be again taxable till, when crossing the line that divides port from interior, transit dues are leviable: a Mixed Commission to sit at each port to determine the port area and fix the boundary line.

(2) That imports entering the interior may do so with or without transit papers: if without transit papers, they are to be liable for all local taxes, no matter in whose hands, and if carrying transit papers, which natives and foreigners may alike procure on payment of the Treaty transit due, they shall be free, no matter in whose hands, from all taxation both *en route* from the port and on arrival at the place. On sale at the place of destination, or on departure from it, the transit papers are to be given up, and the goods, no longer protected by the certificate, are to be held liable for all future local taxes; no matter in whose hands, like all other non-transit-

paid goods ; but such goods are not to be differentially taxed or in any way called on to make up for charges escaped while travelling under the protection of transit papers.

(3) That native produce from the interior may be brought down by natives and foreigners alike under transit papers—or, if those concerned so desire, without transit papers and like all other Chinese goods, *i.e.* without exemption from any local tax. If brought down under transit papers and exempted from local taxation, such produce, on arrival, must be entered at the Maritime Customs as “in transit.” When subsequently shipped to a foreign country, it shall pay export duty and transit due ; if shipped to another Treaty port, it shall pay export duty and an inland due equal to the export duty ; if not shipped to foreign or Treaty port within months from arrival, the person who registered the produce as “in transit” shall pay an inland due equal to twice the export duty.

(4) That foreign imports, whether with or without transit papers, may be disposed of *en route*, but native produce once entered for transit, and travelling under transit papers, may not be disposed of inland, but must be brought to the Treaty port, failing which the merchant concerned will be required to pay a fine of taels. Where transit-paid and non-transit-paid goods travel in company, the merchants concerned must hand lists of their goods to the barriers met with ; if any non-transit-paid goods are found travelling with transit-paid goods and are not reported by the merchant, all the goods, whether transit-paid or not, will be confiscated.

(5) That re-exports shall not be entitled to drawbacks unless re-exported within three years from first arrival.

(6) That there shall be a revision of the Tariff and Tariff Rules every fifth year, and that the revised Tariff and Rules shall come into operation the following year.

§ 20. *Commercial Proposals : Third Set.*—Supposing neither first nor second set to be accepted, and supposing that the meaning of the Treaty really is, that, after payment of import duties, foreign goods, alike at the port and in the interior, are taxable like all Chinese goods, and are only to be exempted from taxes while travelling from a port to a place accompanied by transit papers, it is proposed :—

(1) That it shall be authoritatively stated that, whether owned by natives or foreigners, imports of foreign origin may be taken inland under transit papers from port to place by Chinese as well as foreigners, and that the transit papers are to be surrendered on arrival at the place, and the goods thereafter regarded as Chinese goods, liable for all charges, no matter in whose hands.

(2) That when produce is brought from the interior under transit papers, the bringer shall deposit a promissory note for the value of the produce with the Customs, and that, in the event of the produce being exported to a foreign port within months from arrival, the promissory note shall be cancelled ; failing this, the promissory note shall be presented and enforced.

(3) That foreign imports, whether with or without transit papers, may be disposed of *en route*, but native produce once entered

for transit and travelling under transit papers, may not be disposed of inland, but must be brought to the Treaty port, failing which the merchant concerned will be required to pay a fine of taels. Where transit-paid and non-transit-paid goods travel in company, the merchants concerned must hand lists of their goods to the barriers met with ; if any non-transit-paid goods are found travelling with transit-paid goods and are not reported by the merchant, all the goods, whether transit-paid or not, will be confiscated.

(4) That re-exports shall not be entitled to drawbacks unless re-exported within three years from first arrival.

(5) That there shall be a revision of the Tariff and Tariff Rules every fifth year, and that the revised Tariff and Rules shall come into operation the following year.

§ 21. *Commercial Proposals : Fourth Set.*—The first set comprises the proposals thought most likely to be really useful to both foreigner and native ; the second set follows the more liberal interpretation of the Treaty ; the third follows the less liberal interpretation. Supposing all three sets to be thrown out, a starting-point must be elsewhere sought. It is therefore proposed :—

(1) That, if officials have no satisfactory propositions to make, the merchants themselves, with whom the demand for a rearrangement originated, be called upon to propose the rules they wish to be bound by within the limits of existing Treaties.

§ 22. The remarks that precede the proposals, §§ 8 to 17, will have prepared the reader to understand the object aimed at by each suggestion, and to see why and where the alternative sets differ from each other. In the concluding remarks at the end of this Memorandum, §§ 45 to 50, will be found some observations on the advantage ; the various proposals, but more especially those of the first set, are thought to offer.

III.—Judicial.

§ 23. The commercial provisions of the Treaties had naturally to be supplemented by judicial arrangements. The judicial stipulations are as follows :—

a. Questions between foreigners shall be subject to the jurisdiction of the foreign authorities.

b. Chinese guilty of criminal acts towards foreigners shall be punished by the Chinese authorities.

c. Foreigners committing a crime in China shall be punished by the foreign authorities.

d. Foreigners having a grievance against Chinese shall state it at the Consulate ; the Consul shall try to arrange it amicably, and, if he fails to do so, shall request the Chinese authorities to assist, that they may examine together and decide equitably.

e. Chinese having a grievance against foreigners may state it at the Consulate, and the Consul shall act as before.

f. In cases of incendiarism or robbery, the local authorities are to recover stolen property, suppress disorder, and punish the guilty.

g. If a foreign vessel is plundered the Chinese authorities are to arrest and punish the pirates, and recover the stolen property.

h. Chinese taking refuge at Hong Kong are to be surrendered to Chinese authorities on official requisition and proof of guilt, and, at the ports, on requisition.

i. If Chinese debtors abscond, Chinese authorities are to do their utmost to arrest and enforce payment. Foreign authorities to act similarly if foreign debtors abscond.

k. Chinese incurring debts at Hong Kong, *i.e.*, out of China, the foreign Courts on the spot are to arrange. If Chinese debtors abscond and reach Chinese territory, the Chinese authorities, on Consular application, are to do their utmost to see justice done.

These stipulations are sufficiently numerous and sufficiently general in spirit and letter to provide for the majority of possible cases ; but, nevertheless, even in judicial matters, the complaints on both sides are many and frequent. Premising that such complaints originate rather in difference of law, procedure, and penalty, than in any premeditated intention to neglect business or act unjustly, some of them will now be noticed under the headings of Person, Property, and Revenue.

§ 24. Where questions affecting Person have arisen, foreigners have complained that their Chinese assailants have not been arrested, or, if arrested, have either not been punished or have been insufficiently punished, or that the real criminals have been allowed to escape and other friendless wretches substituted, or that, where several ought to have been alike punished, only one has been dealt with, &c.

On the other hand, Chinese in turn complain that foreigners assault Chinese with impunity ; that what China calls murder is invariably excused or made manslaughter by foreign Courts ; that where Chinese law prescribes death the offending foreigner is sentenced to only a short imprisonment ; and that, while the foreigner insists that Chinese shall be punished with death where foreign life has been lost, he, on his side, expects China to accept a small sum of money in lieu of a death punishment where Chinese life is lost, &c.

The foreigner charges the Chinese official with accepting bribes, and urges that Chinese torture will make any innocent person admit that he is the guilty criminal ; similarly, the Chinese are not convinced that Consuls do not take bribes, and point out that the foreign mode of examining witnesses does not invariably elicit the whole truth, and that trial by jury does not always do justice. Moreover, while the foreigner protects the accused by throwing the onus of proof on the accusers, Chinese will not condemn or punish till the offender has himself confessed his guilt.

When these complaints are carefully looked into, it becomes evident that what gives common offence to both sides is not that crime is not considered crime, or that the laws do not provide punishments for crime, but that there is no common and uniform procedure.

§ 25. In the matter of questions affecting Property, complaints of much the same kind are to be heard.

The foreigner complains that the Chinese authorities are dilatory, shield their own people, refuse justice, &c. ; and the Chinese com-

plaints that the foreign officials fear to offend their own nationals, believe the foreign and reject the Chinese evidence, decide unfairly, &c.

More especially the Chinese feels aggrieved when he sees that a foreigner who has a claim against a Chinaman is never content till he has done his utmost to wring the whole amount from the family, friends, or securities of the debtor, while the Chinese who has a claim against a foreigner is required to accept a decision which makes the debtor a bankrupt, and gives the creditor either nothing at all or only so much per cent.

Moreover, Chinese complain that foreign complaints are often Chinese complaints in disguise, and assert that the foreigner merely fathers them for a commission, the result being that, when the machinery of a Consular Court is set in operation, one Chinese is enabled to do injustice to another, and effectually screen himself behind the foreigner.

As with Personal cases, so too in cases affecting Property, the procedure of the one side does not satisfy the requirements of the other.

§ 26. When cases arising out of Revenue matters come up, the punishment provided for by the Treaties is confiscation or fine. The penalty of confiscation is prescribed when goods are discharged before permit to open hatches is issued, when goods are landed or shipped, after hatches are open, without permit, when goods are transhipped without permit, when fraud on the revenue is detected in goods for which drawbacks or exemption certificates are applied for, when vessels trade at non-Treaty-port places, &c. ; and the penalty of a fine is prescribed when masters fail to report their ships within forty-eight hours, or open hatches without permission, &c. There is besides a special article of a general kind which says that when a vessel is concerned in smuggling, the goods, whatever their value or nature, shall be subject to confiscation by the Chinese authorities, and the ship may be prohibited from trading further and sent away as soon as her accounts are paid ; and another article adds that all penalties enforced or confiscations made are to belong and be appropriated to the public service of the Government of China.

While the Treaties have thus enacted rules and prescribed penalties in connection with their commercial stipulations and in addition to their judicial provisions, they have not established Courts to record or procedure to try this class of cases. To remedy this defect Joint Inquiry Rules were subsequently drawn up. These Rules make this distinction : that, whereas the Chinese Customs have presumably already seized and hold possession of the goods concerned in cases for which the penalty is confiscation, while in those cases in which the penalty is a fine, the individual concerned is a foreigner, and, as such, can only be got at through his Consul, it is a mutually fair arrangement, in cases of fine, to require China to prove in the foreign Court that the individual has done what deserves a fine, and in cases of confiscation, to require the parties interested to prove in the Chinese Court that their goods do not deserve to be confiscated. In the one case the Customs authority sits with the Consul in the Consular Court, and may appeal against the Consular decision,

and in the other the Consul sits with the Customs authority in the Customs Court, and may appeal against the Customs decision. This procedure is fair to all parties ; the open inquiry elicits all facts and gives full publicity, and the right to appeal is adequate protection against either injustice or harshness. The Joint Inquiry Rules may therefore be held to supply a want, and so far they seem to have worked fairly well.

But, nevertheless, complaints are still to be heard : the foreigner, for instance, complains that in cases of confiscation the Chinese Government is pecuniarily interested, and urges that it ought not to have the power of judging where it is itself so directly concerned, and, on the other hand, China complains that where the letter of the Treaty rule is clear and unmistakable, the foreign authority is continually urging that the spirit of it means something else, and invariably construes it in a way adverse to the punishment stipulated to be inflicted.

These complaints exist, and the inference is that the matter requires consideration and authoritative adjustment. The Joint Inquiry Rules have established a fixed and intelligible procedure, but they have failed to silence complaints, and the procedure cannot yet be pronounced to be the best possible under the circumstances.

§ 27. The complaints to be heard on each hand concerning the way in which questions concerning person, property, and fines and confiscations for breaches of revenue laws are judicially dealt with, all point in the same direction : a common procedure of a kind to silence the objections of both sides is still wanting. Considering that principle, procedure, and penalty all differ, it is no wonder that complaints are made ; but seeing that there is no desire to be unjust, it is to be presumed that it will be possible to elaborate arrangements that will be accepted by, and be satisfactory to, both foreigner and native alike.

The Judicial Proposals will now be submitted : like the Commercial, they are drawn up in four alternative sets.

§ 28. *Judicial Proposals : First Set.*—Seeing that on both sides there were laws and punishments long before Treaties were thought of ; seeing that the judicial stipulations of the Treaties fully prove that each wishes to act justly and give the other no cause of complaint ; and seeing that the complaints that have originated may be traced to the want of a common procedure, and that therefore the establishment of a common procedure in cases affecting both foreigners and natives is the chief end to be aimed at, it is proposed :—

(1) That disputes between foreigners, and in which Chinese are not concerned, shall continue to be heard and arranged by the foreign authorities.

(2) That for the arrangement of all questions affecting person or property, &c., and which concern both foreigners and natives, a Common Code shall be drawn up.

(3) That a Court shall be established at each Treaty port to administer the Common Code : that this Court shall be presided over by one of the expectant Taotais, to be appointed to that duty by the Governor of the province, and that there shall be associated

with him a foreign co-Judge in Chinese pay : that in cases of importance there shall be two assessors, one to be named by the plaintiff and the other by the defendant : and that this Court shall be empowered to summon foreigners and natives alike to appear as witnesses.

(4) That in addition to ordinary cases affecting person and property, all Customs cases involving confiscation of goods or fine for breach of regulations, shall be heard and settled by this Court.

(5) That in cases involving not more than dollars, or punishment not exceeding imprisonment, the decision of this Court shall be final.

(6) That in cases involving more than dollars, or punishment of a more serious nature than imprisonment, there may be appeal within days to the Chief Superintendent of Trade.

(7) That where the sentence of this Court is death, it must be approved of by the Yamên and Minister concerned before being given effect to.

(8) That there shall be no torture made use of in the examination of witnesses ; that confession of guilt be not required from the accused ; and that perjury and contempt of Court be punishable by fine and imprisonment.

(9) That lawyers may be employed to prepare complaints, examine and cross-examine witnesses, and draw up arguments in writing for both parties.

(10) That a full report of each case shall be transmitted through the Yamên to the Legation concerned, for its information.

(11) That the co-Judges shall be five in number : one to reside at Tien-tsin, for duty at Tien-tsin, Newchwang, and Chefoo ; one to reside at Hankow, for duty at Hankow, Kiukiang, Wuhu, Ichang, and Chung'ing ; one to reside at Shanghai, for duty at Shanghai, Ningpo, Chinkiang, and Nganking ; one to reside at Foochow, for duty at Foochow, Wênchow, Tamsui, Takow, and Amoy ; and one to reside at Canton, for duty at Canton, Swatow, and Hainan.

(12) That the Judicial Rules shall be revised every fifth year, and the revised rules take effect the following year.

§ 29. *Judicial Proposals : Second Set.*—Supposing the first set of Judicial Proposals, which aim at providing a common procedure, to be rejected, and seeing that, where both foreigners and natives are parties to a cause, if a common procedure is impossible, the next most necessary thing to be done to convince both sides that justice is fairly administered, is joint action, it is proposed :—

(1) That in all cases in which both foreigners and natives are concerned, Consul and native magistrate shall sit together as President and Assessor, the former presiding when the defendant is a foreigner, and the latter when he is a native—that is to say, each in his own Court.

(2) That when the property involved is of value above dollars, or the prosecution arises out of loss of life, the Assessor shall have the power of appealing against the decision of the President to the high authorities at Peking.

(3) That a resumé of cases shall be drawn up and circulated every fifth year, and rules of practice be drafted, precedents set forth and arranged, &c., for further guidance.

§ 30. *Judicial Proposals : Third Set.*—Supposing neither first nor second set of Judicial Proposals to be accepted, and that neither a common procedure nor joint action is to be looked for, the next best thing to do is to provide for the most important class of cases, and seeing that it is to the procedure in cases arising out of occurrences in which life has been lost, that exception has most usually been taken, it is proposed :—

(1) That in all cases arising out of occurrences in which life has been lost, the local court shall make full inquiry, and send the proceedings to Peking for decision.

(2) That the punishment the crime merits shall be inflicted, and that pecuniary compensations shall not be permitted to be offered or received.

(3) That a list of cases shall be drawn up every five years and circulated for the ventilation of the general question.

§ 31. *Judicial Proposals : Fourth Set.*—Supposing that all the preceding three sets of proposals are thrown out, and seeing that some closer acquaintance with each other's procedure is called for, it is proposed :—

(1) That each shall communicate to the other an explanation of what it is the duty of his national Court to do, when a plaint is presented affecting person or property.

§ 32. From the preceding proposals it will be seen that, where questions arise affecting both natives and foreigners, it is a common code, a common procedure, a common penalty, and a common court that are chiefly recommended. As in the case of the Commercial Proposals, what remains to be said as to the advantages the acceptance of these Judicial Proposals is likely to yield will be found in the concluding section.

IV.—*Administrative.*

§ 33. In the introductory remarks, complaints were arranged under three headings, Commercial, Judicial, and Administrative, and in view of the circumstances which condition action it was said in § 6, to be practical, proposals ought to be of a kind to convince the Treaty Powers that the limitations of any stipulation afford sufficient margin for the exercise of the rights it guarantees, induce China to see that the concession is not unlimited, and promise an improvement on the regulations and procedure now existing. In §§ 8 to 19 and §§ 20 to 29, the commercial and judicial complaints have been examined and proposals have been put forward supposed to be an improvement on existing regulations and procedure. The class of complaints described as Administrative remains to be noticed ; and it is in connection with them mainly, and the suggestions about to be made to meet them, that an effort seems to be called for to induce foreigners to accept limitations and China to yield a sufficient

margin. Anything effected in this direction will not be without its advantages.

§ 34. What are these administrative complaints ?

On the foreign side they are chiefly of this kind, that foreigners are not allowed to circulate freely, or settle inland, or work mines, or introduce railways, telegraphs, and mints, or procure the adoption of appliances which they have convinced themselves are certain to be attended with beneficial results, &c. These complaints amount to this: that the Chinese Government refuses to accept foreign advice, or give foreigners *carte blanche* in China—and these again, say the complainants, to this, that China, in a word, is hostile.

On the Chinese side corresponding complaints are also growing. Just as the commercial arrangements of the Treaties have caused commercial and financial derangement throughout China, so, too, their administrative arrangements have created administrative difficulties for Government and officials, and local grievances for gentry and people. The country begins to feel that Government consented to arrangements by which China has lost face; the officials have long been conscious that they are becoming ridiculous in the eyes of the people, seeing that where a foreigner is concerned they can neither enforce a Chinese right nor redress a Chinese grievance, even on Chinese soil; and the Government has to admit that for what it has given up, it has got nothing to show in return; and all this is in turn attributed to the exterritorial clauses of the Treaties.

It is quite possible that the Treaties are not to blame, politically, judicially, or commercially, for all that is laid to their charge; but whatever handles they offer are on all sides eagerly laid hold of, and the grievances they are held to constitute are certain to be felt and complained of more and more, the longer they are allowed to continue to exist.

§ 35. Granted that China has shown unwillingness to accept foreign advice and act on foreign suggestions; to what is such unwillingness to be attributed? There are several causes in operation. First of all the Chinese are a very conceited people—they will hardly allow that their condition is to be improved upon; secondly, the Chinese are a very contented people—they dislike and fear change, and believe that the way of living that satisfied their forefathers for two or three thousand years will do well enough for themselves; thirdly, officials and people were alike ignorant on all foreign subjects, and did not for a moment imagine that there was anything better out of China than they already had in it; fourthly, people and officials; but more especially officials, have been suspicious of the foreigners' intentions, and still think every word must have some ulterior object, and every suggestion some sinister motive; these, and kindred reasons, have operated and are operating on all sides against foreign ideas and foreign ways, but, obstacles though they long have been and now are, they are nevertheless forces which must decrease in power in proportion as Chinese become better acquainted with foreigners and enlightenment becomes more general. At the same time their temporary potency will be rather increased than removed by any foreign pressure intended for their removal. But

alongside of these there exists another set of opposing forces,—forces which must increase in power in proportion as China increases in enlightenment, and whose removal China cannot effect till the foreigner himself wills it.

§ 36. Granted that China is unwilling to increase the foreigner's liberty of action throughout the length and breadth of the land : this, too, is not without an explanation.

When the first Treaties were made China had had no experience of international dealings and no acquaintance with international relations, but the foreigner's knowledge of the many differences between Chinese and foreign official action in matters affecting property or person was already of a kind to make him unwilling to accept Chinese procedure : it was, therefore, wise and, at the time, right for the foreign negotiator to stipulate that questions affecting the persons or property of foreigners should be arranged by the foreign authority, and, on the other hand, the Chinese officials who consented to that arrangement without stipulating for the various limitations by which it ought to have been accompanied, can hardly be blamed for their want of political foresight, even had they been free to refuse acquiescence. But during the thirty years that have elapsed since then, Chinese officials have learned many things ; they know that the Treaty Powers do not respectively accord to each other's subjects the position that the Treaties bind China to give,—they have seen that in questions between natives and foreigners, when the decision has rested with foreigners, natives, if it in any degree goes against them, are never satisfied,—and while they assert that the existence of this stipulation is already exercising an influence injurious to the prestige of the Government and the dignity of Chinese officials, they ask if it is to be wondered at that China refuses to assent to such an extension of it as might scatter it wholesale through China and multiply the troubles that foreign intercourse has so constantly caused them beyond all calculation.

Accordingly, when the foreigner moots anything new, the suggestion—viewed with dislike as recommending change, and with suspicion as coming from the foreigner—is only too likely to be replied to thus :—It may be good, but having done without it so long, we can do without it longer ; it may be good, but, however good it may be, we cannot afford to accept it coupled with extritoriality—we have granted exemption from Chinese control at the ports, but we cannot go on to make the exempt a power in the interior.

§ 37. The foreigner's administrative complaint is that China does not accept foreign suggestions ; China's reply is that she cannot do so, so long as their concomitant is unlimited extritoriality.

Like all other general terms the word extritoriality looms larger in its vagueness than it really is, and, such being the case, it may be unnecessarily standing in the way of both parties ; that part of the thing extritoriality which the foreigner really wishes for in China may be something which, once explained, China can continue to grant him without fear ; that part of the thing extritoriality which China dreads to see coming in as the concomitant of foreign

suggestions, may be just the something that the foreigner does not really require or expect to be given. It would be hopeless to expect foreign Powers to consent to give up extrterritoriality categorically and without explanation; but the word may be given up, and, of the things it covers, such may be retained under their own respective denominations as are really useful to the one side, and really harmless to the other.

What does the foreigner ask for? Is it to maintain his present hazy and indefinite extrterritorial status? He can do this: but not only will he then continue with no promise of other improvement, but will remain weighted with the opposition, suspicion and dislike that that status must ever keep alive for him in China. Is it extension of intercourse—growth of trade—development in China—improvement of international relations, that he seeks for? He can have these: but only on one condition—a rearrangement and change of status. What does China seek for? Does she wish to keep out everything smacking of extrterritoriality? She can do so: but only at the loss of all the valuable lessons that foreign intercourse can teach. Does she want to learn those lessons—to become rich and strong? She can do so: but only on condition that she will allow of some kind or portion of extrterritoriality within her boundaries.

On the one hand, given the certainty that there will be no great amelioration of the present state of things; on the other, given the certainty that there will be improvement; there can be no question as to which is the more pleasing prospect. But accompanying the future that promises no improvement, the foreigner retains his undefined extrterritoriality; while accompanying the future that promises improvement, he has only a limited kind of extrterritoriality—has only so much of extrterritoriality as he can really find use for. Where then is the value of the other element as accompanying the one or as absent from the other—an unregulated extrterritorial status whose presence necessitates the first—stagnation; and whose absence ensures the second—progress? Surely the time has arrived when such an understanding might be arrived at as should remove this obstacle from the common pathway of both foreigner and native: it is preventing the one from doing what will be for his own good—it is keeping the other from reaping the fair rewards of much study, labour, and expenditure.

On both sides there is something valueless in extrterritoriality which either side can afford to give up to secure the something valuable in the improved intercourse that will accompany the residuum. Mutual concession is what is first of all necessary: but mutual concession is an impossibility, so long as there is not a common understanding,—and as for a common understanding, it cannot be arrived at unless both sides speak out.

If China says to the foreigner: you make too much of your extrterritoriality—you set too much value by it; the foreigner naturally asks what he is to receive in exchange. If the foreigner says to China: you fear our extrterritoriality too much, you see more in it than it contains; China as naturally asks in reply: What limits can be put on it?

§ 38. On more than one occasion a high official has said : " give up extraterritoriality and you may go where you like ; " and the last time the subject came up he asked : " will you even let *our* people in *your* ports have the standing we give *yours* in *ours* ? "

If freedom of movement were all that is wanted, much might be urged in favour of closing with the first proposition ; on the one hand, China would be certain to take the greatest possible care not to interfere with the foreigner needlessly, so long as he did nothing that Chinese may not do, and, if interfering, would be as careful not to treat him in a way likely to provoke foreign intervention ; while, on the other hand, foreign countries would watch over the safety of their nationals just as jealously as they do now that they protect them by extraterritoriality. The travelling foreigner would then meet with less hindrances and be better treated everywhere than at present.

But—the foreigner will reply—liberty to circulate freely and settle anywhere is not all that is wanted ; foreigners want to circulate and to settle, in order to be able, in addition, to buy and sell, and to introduce improvements and changes, and these, he fears, are the very things that any renunciation of extraterritoriality would make it impossible for him to do. Better retain the extraterritoriality now enjoyed at the ports and under passport and the foreigner can already, within a limited area, act very freely ; he can also continue to ventilate the improvements it is in his power to suggest, and can declaim against the blindness of the Government that refuses to let its people appropriate all these benefits. But were the extraterritoriality he already enjoys given up, he fears that the power which now keeps him from working freely in the interior would virtually eject him from the ports, and that, if haply allowed to remain or go inland, he would still have to become more Chinese than Chinamen, while the Government would grow more exclusive than ever.

Such fears cannot be set aside as groundless ; at the same time, just as it is certain that, at this date, the objection of the Government is not so much an objection to improvements as an objection to improvements *plus* extension of unregulated and unlimited extraterritoriality ; so, too, it is more than probable that, were extraterritoriality no longer the bugbear it is, China's cry would be for, and not against, what the foreigner styles progress. As once before remarked, the difficulties of a merely conservative or anti-progress programme become daily more apparent, and its enforcement less likely to be persevered in.

§ 39. It may safely be asserted that the extraterritorial stipulations of the Treaties have done more than anything else to set the Government against any extension of intercourse, and that these stipulations, whether it be by the interpretation given to them or the action taken under them, are increasingly producing an effect and exercising an influence unfavourable to the development of resources and introduction of improvements. Would it not, then, be well to take up the subject and hear what is to be said on both sides ; how much of extraterritoriality the foreigner wants, why, and for how long ; how much of extraterritoriality China feels at liberty to allow of, what it is

she dislikes, and why ; and put the whole question of the relation of each to other on a fair, friendly, and intelligible footing ?

On the one hand, the foreigner must let China see that she is protected from what she has taken to be the chief dangers of intercourse ; on the other, China must clear the course for foreign legitimate enterprise. Nothing will help to do both things so surely as a re-arrangement of the extraterritorial stipulations, and it is to do this, to still China's fears and open up a more promising future for foreign ideas, arts, and inventions in China, that the following suggestions, like the complaints, styled administrative, are submitted. The Treaties, it is true, do not contain the word extraterritoriality, but the stipulations referred to in section 20 constitute the foreigner's extraterritoriality in China. The suggestions that follow will deal with stipulations in the concrete, and not with the generalization.

§ 40. *Administrative Suggestions: First Set.*—Where there is intercourse between two countries there are two points of primary importance : 1, that there shall be rules, and, 2, that the rules shall be plain, intelligible, and unmistakable ; and among the ends to be thereby aimed at are these : that the foreigner shall not only know that he is not above the laws, but shall also know what laws he has to obey, and how he is to be dealt with ; that the native shall know that the foreigner, though a foreigner, has his rights, and that both foreigner and native shall know that each has made the proper concessions to the other. The first set of suggestions now to be submitted are drawn up from this point of view :—

(1) Seeing that doubt, discussion, and inconvenience are the result of diversity of form and language in the Treaties, and seeing that, in point of fact, and by reason of the most-favoured-nation clause, all the Treaties, however dissimilar in form and language, are identical in spirit and matter, it is suggested :

To consider whether it would not be possible to draw up one common version in Chinese for all Treaties, and to supplement it by equivalent versions in English, French, German, Russian, Spanish, &c.

(2) Seeing that to some extent what is objectionable in existing Treaties may take its objectionable colouring from apparent want of reciprocity, and seeing that an appearance of reciprocity in Treaty concessions not only causes concessions to be less objected to, but makes Treaties generally easier to be worked, it is suggested :

To consider whether it would not be possible to arrange that foreigners arriving in China and Chinese arriving in foreign countries, shall reciprocally on first arrival report themselves to their own Consul, and shall after that enrol themselves either with their Consul as non-residents or with the local magistrate as residents, as they may themselves elect ; the thus enrolled non-residents to be thereafter acknowledged and treated as aliens, and the thus enrolled residents as natives. Where there is no Consul the newly arrived to be for the time being held to be resident.

(3) Seeing that where disputes arise between non-residents (*i.e.*, foreigners) which do not affect natives, the settlement of them need not necessarily be the work of the native officials of the locality, and seeing that in mixed questions where natives are affected, it is the

more especial duty of native officials, who have consented to the coming of foreigners and made regulations therefor, and who are accordingly at the same time responsible for the well-being of both native and stranger, to see that disputes are fully inquired into and fairly settled, it is suggested :

To consider whether it may not be possible to extend the judicial provisions, proposed to be introduced and acted on in China, and arrange that while disputes between Chinese aliens in foreign countries are to be settled by their own Consuls, disputes between Chinese aliens and natives of the countries resided in or affecting both shall be heard and settled by a special Court instructed to give effect to the common code proposed to be drawn up for the settlement of disputes between natives and aliens in China.

(4) Seeing that the Treaty stipulations already provide that disputes between foreigners shall be dealt with by the foreign officials in accordance with the foreign laws, and that in cases where disputes affect both foreigner and native, the foreign and native authority shall conjointly settle matters equitably,—seeing that these stipulations do not place the foreigner above the native law or entitle him to disregard it,—and seeing, further, that it is a common complaint that foreigners do neglect to observe native laws held to be essential to the welfare, tranquillity, and well-being of the localities concerned, thereby creating nuisances, causing discontent, and evoking ill-will, it is suggested—

To consider whether it may not be possible to declare that foreigners—Chinese in foreign countries, and foreigners in China—shall be reciprocally obliged to observe all such laws of the locality as are prohibitory of doings calculated to offend and disturb the locality : what a native is not allowed to do, a foreigner shall not do—what a native may do, a foreigner may equally do : offenders to be proceeded against in the Special Court.

(5) Seeing that foreigners may desire to possess lands and houses, and take shares in trades, industries and companies, and seeing that such kinds of property and all such enterprises are governed by the law of the land, and do not admit of a mixed treatment—one kind for the foreigner and one for the native—and seeing that it will be alike advantageous for such enterprises, and for all who wish to share in them, that the standing of all interested in them should be clearly proclaimed and defined, it is suggested—

To consider whether it may not be possible to declare that where aliens own lands or houses, or hold shares in public companies and native industries, they must—Chinese in foreign countries and foreigners in China—equally with natives reciprocally obey the native laws drawn up for the regulation of such kinds of property. Questions arising in this connection to be dealt with by the Special Court.

(6) Seeing that in the interests of the dignity and authority of local officials everywhere it is advisable that there should be no unnecessary exceptions to the exercise of their functions,—seeing that the tendency of any exception, necessary or not necessary, is to set the official in question against the parties for whom the

exception is made in the other matters that it comes within the power of that official to permit or prohibit, further, or impede; and seeing that in Customs as in other governmental matters the same care to refrain from creating exceptions is also advisable to be exercised, it is suggested:

To consider whether it may not be possible to enact that foreign ships arriving in China, and Chinese vessels arriving in foreign countries, shall reciprocally report arrival, deposit papers, and clear at the Customs, and that harbour-masters shall be empowered to note and extend protests, ship and discharge seamen, and do the other work of shipping-master and marine notary. The vessels and crews to otherwise retain their non-resident character, and be dealt with by their respective Consuls.

(7) Seeing that it is mutually advantageous for officials to be easy of access to people, and seeing that the tendency of the necessary and official intervention of a third party is to give a hard and formal appearance to affairs, and to render official solutions necessary rather than expedite amicable and informal settlements, it is suggested:

To consider whether it may not be possible to declare that foreigners—Chinese in foreign countries and foreigners in China—shall reciprocally be at liberty to address the native officials direct, and without Consular intervention, whenever they may choose to do so.

(8) Seeing that dues, duties, and taxes are all levied by the authority of the Government, and that there are tariffs according to which all such levies are raised—seeing that foreign Governments publish such tariffs, and that China has also published the tariff of duties payable at Treaty ports by foreigners,—and seeing that governmental requirements from time to time necessitate changes in special taxes raised in the provinces of China, it is suggested:

To consider whether it would not be possible for the Yamên to notify taxes, as established or abolished, to foreign representatives for communication to, and observance by their nationals.

(9) Seeing that growth and change are constantly calling for modifications, it is suggested:

That each fifth year these so-called administrative regulations be revised: the revise regulations to come into operation the year following.

§ 41. *Administrative Suggestions: Second Set.*—Supposing the first to be thrown out, and seeing that some kind and degree of reciprocity may help to counteract some part of the ill effects of whatever is bad in existing arrangements, and gradually prepare the way for an extension of reciprocity, and other improvements, it is suggested:

(1) That a common Chinese text be adopted for all Treaties.

(2) That in foreign countries where China has established Legations and Consulates, disputes between Chinese, and not affecting natives, shall be arranged by the Chinese officials, and that in cases in which both Chinese and natives are concerned, the course followed in China for their settlement shall there also be adopted.

(3) That vessels shall deposit their papers, &c., with the Customs, and enter and clear direct, without Consular intervention.

(4) That there shall be a revision of these arrangements every fifth year, and that the revised arrangements shall take effect the following year.

§ 42. *Administrative Suggestions : Third Set.*—Supposing neither first nor second set of these administrative suggestions to be accepted, and seeing that the existence of the "most-favoured-nation" clause in each Treaty in point of fact puts all parties on the same footing, it is suggested :—

(1) That one common Chinese text be adopted for all Treaties, and one Tariff for all merchants.

(2) That revision of Treaty and Tariff shall take place every fifth year and come into operation the year following.

§ 43. *Administrative Suggestions : Fourth Set.*—Supposing that none of the preceding sets of suggestions prove acceptable, it is suggested :—

(1) That every fifth year there shall be a general revision of Treaties, Tariffs, Rules, and Regulations.

§ 44. From the preceding suggestions it will at once be seen that the chief objects in view are to arrange for general revision at regularly recurring and not too distant periods and thereby keep with the times,—provide a common Chinese text for all Treaties and thereby make stipulations and rules easily intelligible,—introduce as much reciprocity in arrangements as circumstances will admit of and thereby win popular assent,—and improve existing stipulations wherever experience shows them to be defective and thereby obviate mischievous results. Should it be found possible to take action in the direction suggested, China would recognize the fact that foreigners in China are subjected to proper limitations and foreigners would equally recognize the fact that, although subjected to limitations, they are nevertheless able to obtain everything they have a right to look for. Such an end once secured would have a most beneficial effect on general interests. What yet remains to be said as to the advantages to be gained from the adoption of these administrative suggestions will be found in the section that now follows, headed Concluding.

V.—Concluding.

§ 45. For the present the four sets of proposals that precede may suffice ; but it still remains to supplement what has been said in explanation of the causes that warrant such proposals by some remarks respecting the advantage they appear to offer.

If it be merely desired to retain and give full effect to existing Treaties, what is mainly wanted is an authoritative declaration of the interpretation of a few debated clauses ; on the commercial side, the chief desideratum is a definitive statement of the meaning of drawback and transit stipulations, and, on the judicial, a clear understanding as to the occasions on which the native and foreign authority shall act conjointly, and the nature and limits of that

conjoint action. What have been adverted to as administrative requirements would thus remain unprovided for.

But, when the question of a better regulation of the commercial side of foreign intercourse is fairly met, and means and ends carefully looked at from the standpoints of both parties, it is evident that, in point of fact, what both want is, after all, changes in, rather than confirmations of, present arrangements. The Treaties have forced foreigners into certain grooves, and have done even this in a way that has provoked native opposition; and, while the matter of each stipulation has opened the door to abuse of Treaty privileges by one party and to interference with Treaty rights by the other, the principle that runs through the stipulations has itself been the strongest possible incentive to abuse by these and interference by those. Everywhere there is an escape from restrictions, and a means of shutting the door in the face of liberty of action. If it be desired that intercourse should become friendlier, development quicker, and commerce greater, it is change and not confirmation that is called for.

§ 46. The acceptance of any of the foregoing sets of proposals would remedy some existing evils; but it is for the first set that attention is especially invited.

If the first set of proposals should chance to be given a trial, their accruing advantages would speedily be recognized in the directions below indicated:—

Commercially.

(1) One and the same treatment is provided for foreigner and native: so that there need neither be abuse of privileges nor interference with rights.

(2) The eight or ten commodities, imports and exports, in which foreign trade is really—if not alone—interested, are not only relieved from uncertain and variable taxation, but are freed from all taxation, on payment of the one fixed charge at a Treaty port.

(3) The merchandise in which foreign trade is not interested and which circulates in China for Chinese domestic use is freed from the application of the foreign Tariff at Treaty ports and is left to be dealt with by the territorial authorities according to local rules and requirements.

(4) As regards a third class of goods, viz., the articles of foreign origin which, though recognizable as foreign, are not staples and are for the most part only disposed of at the ports and not sent into the interior—articles which, though foreign, are not easily distinguishable from Chinese articles and yet are also not staples—and the articles which, being of native origin and bought for foreign export, are, like the scattered imports, neither certain nor abundant in the export trade—all these articles and commodities, of little importance to foreign trade, are left where they are now: that is, they remain exposed to the uncertain incidence of local taxation, but are, on the other hand, freed from the certain incidence of import or export duty at the Treaty ports.

(5) The local taxation of Chinese goods for Chinese domestic use and of the insignificant imports and exports referred to in the last paragraph, is not to be in any way connected with shipment or discharge at Treaty ports, so that vessels which take mixed freights will neither have to deal with two sets of Custom-houses nor be subjected to any special detention.

(6) Where the foreigner competes with the Chinese merchant in Chinese trade on Chinese ground, he will do so on the same footing and conditions as the native; where the native competes with the foreigner in foreign trade, he will do so on the same footing and conditions as the foreigner.

(7) Vexatious espionage at the ports and transit troubles in the interior disappear.

(8) No interest is sacrificed to another: neither foreign staples to Chinese desire for revenue—nor Chinese taxation to isolated commercial ventures—nor the goods in which one Power is interested to those which concern some other; what is fair to each and good for all is secured and promoted.

(9) Foreigners will no longer be reproached for selling their names to Chinese—native hostility to foreign trade will disappear—officials will no longer be able to say that local revenue is destroyed by foreign trade—foreign trade itself will in every way be freed from burdens it has now to bear.

(10) Quinquennial revision will periodically effect timely changes, removing what is bad and adding what is good.

Judicially.

(11) With one code and one procedure for all cases in which both foreigners and natives are concerned, and with concomitant arrangements adequate to the protection of person and property, complaints will be stopped and much that is now offensive will disappear.

(12) Room is left for growth and expansion, and for improvement of both code and procedure. Quinquennial revision provides for proper adaptation to the requirements of the times.

Administratively.

(13) The very fact of consenting to consider the points set forth in the administrative suggestions will bring both native and foreigner into more friendly relations, and any action taken in the directions proposed will not only lessen the chances of further misunderstandings, but will set free agencies that are now under a ban and convert hostility and opposition into friendliness and co-operation.

(14) The steps suggested on the administrative side will do much to ensure the satisfactory working of both judicial and commercial proposals: on the one hand there will be less likelihood of interference with commercial interests, and on the other, greater certainty of compliance with all that is required judicially.

For these and other reasons, a common trial of the first set of proposals is to be strongly recommended.

§ 47. On the foreign side the political world may object to surrender anything already obtained from China—the Christian public may hesitate to trust their Christian nationals in pagan China unless surrounded by the full blaze of extritoriality—and the mercantile classes will ask what security is there that China will keep her engagements.

Here we are met by objections not without force or meaning: each one of them merits its due share of consideration. Let them be fully thought out and let allowance be made for the utmost value of all they suggest; but, that done, let what now exists and what is proposed for adoption be put side by side and judged of by the light of the following considerations:—

(1) That the present situation is approved of by neither party.

(2) That mutually advantageous alterations can only be obtained by mutual concessions.

(3) That what is proposed is not necessarily more than a five years' experiment, subject to revision and approval, and if needs be, to withdrawal.

(4) That such proposals, if presumably likely to yield results that will be so many gains, commercially, judicially and administratively, ought to be allowed a fair trial.

(5) That the proposals, instead of stunting, nourish growth—instead of forcing into grooves, clear the ground for enterprise—instead of perpetuating distinctions that alike tempt native and foreigner, class all individuals together and make interests identical and not antagonistic.

(6) Politically, is it not an error to keep alive the cause of administrative difficulty? Judicially, is it not a fact that although the Court may be pagan, it will have to proceed publicly and according to new laws, while individuals concerned are so few that such special arrangements can never be the cause of national inconvenience, and does not every-day experience show that China treats the subjects of other States, not removed from Chinese jurisdiction, with extraordinary gentleness? And as for distrust of China's willingness to act up to her engagements, if good faith be not taken for granted, meaning thereby the desire and the ability to keep one's engagements, what is the use of any such thing as negotiation?

Comparing the existing and the proposed arrangements, with all these considerations before the mind, it is evident that there is much more to be said in favour of a departure from, than in favour of a confirmation of existing arrangements.

§ 48. On the Chinese side, whatever other difficulties may crop up for those who have to take action, it is not unlikely that one difficulty in the way of the acceptance of these proposals will be the desire of critics to take and not give. When Treaties were first entered into it was all giving and no getting on the part of China, and now the rebound may be felt, and there may be a desire to get and not give. Perhaps the advantages of what is conceded to China will be so undervalued, or the advantages of what is proposed to be conceded to the foreigner will be so magnified, or the desire to give as little as possible will be to such an extent uppermost, that

thereby the proposals may come to naught. To this all that one can say in advance is, that, while the order to make proposals means that it is intended to take action, critics must remember that those who would take must also be willing to give; mutual concession for mutual advantage is not only essential, but fair and reasonable, and, moreover, even one's own property—if it is once pawned—can only be redeemed by a payment. Objectors should consider these things, and those who have to take action may rest assured that, should the proposals be adopted, China's gain will not be less than the foreigner's.

§ 49. As will have been seen, there are three sets of proposals, and in each set there are four alternative sets. The natural order and logical sequence would, perhaps, be administrative, judicial, commercial, but it has been thought better to adopt the reverse order—commercial, judicial, administrative; and the object with which this has been done is that what there may be of great obstacles to the acceptance of the judicial proposals, or of greater obstacles to the acceptance of the administrative, should not stand in the way of a full consideration of the commercial as preceding the judicial, or in the way of the judicial as preceding the administrative. The judicial proposals are of easier acceptance than the administrative; the commercial, again, are probably of easier acceptance than the judicial. Under each of the three headings any alternative set of proposals is complete in itself, and may be accepted while all the rest are rejected; or, any one of the alternative sets under one heading may be adopted and combined with any one of the alternative sets under either of the other two headings. Again, each proposal, although sufficiently detailed to be intelligible, is possibly susceptible of improvement, and would in any case necessarily require further consideration and elaboration before being made law, to say nothing of the supplementary regulations it would require to have drawn up for its proper working.

§ 50. In conclusion, the hope may be expressed that the commercial proposals will help to place commercial dealings on a better footing, and remove much ground for complaint, that the judicial proposals will introduce improvements in judicial business, and do away with the cry that justice is withheld; and that the administrative suggestions, first of all assisting to secure and consolidate commercial and judicial advantages, will in the end improve the tone of general intercourse, and remove the chief obstacle, political opposition, from the pathway of future relations. But it must not be supposed that these proposals will be a panacea for all ills, or a philosopher's stone, to turn all they touch into gold. Even supposing that they are put in operation, and that they induce forgetfulness of past grievances and certain anticipation of future benefits, even then they will not make foolish officials act wisely; nor will they make underpaid officials respect regulations when gain is to be got; nor will they make turbulent people quiet; nor will they enable fortunes to be made other than in accordance with the circumstances that condition trade. If fairly acted upon, it is confidently believed that they will be followed by results more or less beneficial to both China and not-China; but time alone will show in how far and in what directions

this belief is well or ill-founded. If failing to effect what is looked for—and, indeed, even if failing to be adopted—they will, at all events, serve to introduce questions that demand settlement, and explain some of the conditions and difficulties that must be grappled with if a solution is to be arrived at. That it is not an easy task to draw up such proposals must be apparent to any one who re-reads the conditions imposed by the Yamén's instructions, as quoted in the first paragraph.

(Signed) ROBERT HART,
Inspector-General of Imperial Maritime Customs.

PEKING, January 23, 1876.

APPENDIX E

PROCLAMATION FROM LIU YUNG FU, THE BLACK FLAG CHIEF

May, 1883

You French brigands live by violence in Europe and glare out on all the world like tigers, seeking for a place to exercise your craft and cruelty. Where there is land you lick your chops for lust of it; where there are riches you would fain lay hands on them. You send out teachers of religion to undermine and ruin the people. You say you wish for international commerce, but you merely wish to swallow up the country. There are no bounds to your cruelty, and there is no name for your wickedness. You trust in your strength, and you debauch our women and our youth. Surely this excites the indignation of gods and men, and is past the endurance of heaven and earth. Now you seek to conquer Annam, and behind the dummy of international commerce cast the treaty aside and befool the world, that you may satisfy your lust for blood, capture cities, storm towns, slaughter Mandarins, and rob everybody. Your crimes are unspeakable. Not all the water in the West River would wash out your shame. He who issues this proclamation has received behest to avenge these wrongs. He has taken oath to exterminate you with an army which bears Ni ("Justice") on its banners. His first desire was at once, with the speed of the thunderbolt, to descend on your rabbit holes and exterminate you without pity like the vermin you are. Such would raise rejoicing in the heart of man, and would be a symbol of Heaven's vengeance. But Hanoi is an ancient and honourable town. It is filled with honest and loyal citizens. Therefore could he not endure that the city should be reduced to ruins, and young and old be put to the sword.

Therefore now do I, LIU YUNG-FU, issue this proclamation. Know, ye French robbers, that I come to meet you. Rely on your strength and rapine, and lead forth your herd of sheep and curs to meet my army of heroes and see who will be master. WAI-TAK-FE,

an open space, I have fixed on as the field where I shall establish my fame. If you own that you are no match for us; if you acknowledge you carrion Jews are only fit to grease the edge of our blades; if you would still remain alive, then behead your leaders, bring their heads to my official abode, leave our city, and return to your own foul lairs. Then I out of regard for the lord of Heaven, for humanity, and for my commission from Government to maintain peace, will not slaughter you for mere personal gratification. But if you hesitate and linger on, hankering for what you cannot take, one morning my soldiers will arrive, and with them dire misfortune for you. Take heed and yield while yet you may. Be not as mules and involve yourselves in ruin. Let each man ponder this well, while yet he may save himself from death.

APPENDIX F

AN ACCOUNT OF OPERATIONS BY H.M.S. "BITTERN" AGAINST A PIRATICAL FLEET IN 1855

SIR ROBERT HART died on September 20th, 1911, and was buried in the churchyard attached to the parish church at Bisham-on-Thames. In 1855 he was assistant in the British consulate at Ningpo; and in that year the Right Rev. Bishop Russel, of the Church of England Mission, and the Rev. W. A. P. Martin, of the American Board Mission, both resident at Ningpo, were attacked and plundered by a piratical fleet while travelling by junk through the Chusan Archipelago. H.M.S. *Bittern* was despatched from Ningpo to deal with the pirates, and found them in the harbour of Shihpu. (Cf. "Conflict," chap. xv, § 5.)

In the parish church at Bisham-on-Thames, on the wall near the altar, was erected in 1914 a marble tablet bearing the following inscription:

"TO THE GLORY OF GOD AND IN MEMORY OF

G. H. VANSITTART

A. H. VANSITTART

AND

ADMIRAL EDWARD W. VANSITTART, C.B.

1818-1904

The east window was erected in 1914 in place of one presented by the merchants of Shanghai and its vicinity in grateful commemoration of the distinguished services of Captain E. W. Vansittart, R.N., when in command of H.M. Sloop *Bittern* in the suppression of piracy in the Chinese seas—1855."

The following despatches from Commander E. W. Vansittart contain an account of his operations on this occasion, and another two months later.

COMMANDER E. W. VANSITTART TO CONSUL A. WINCHESTER, NINGPO.

"HER MAJESTY'S SLOOP 'BITTERN,' CHINGHAI, 25th September, 1855.

"SIR,

"On returning into port this afternoon I hastened to thank you for the additional information respecting Piratical Fleets in this neighbourhood conveyed to me by Mr. Interpreter Meadows on 16th Instant and announcing the jeopardy in which some Ladies were placed by the doings of these Villians; I decided to proceed to the rescue without delay, fortunately having had the services of Merchant Steamer *Paoushun* placed at our disposal—and I have the satisfaction of informing you that we recaptured in Sheipoo the Ningpo boat taken from Mr. Russel near Sin-kea-moon; the enclosed note and an umbrella seemed to be all the recoverable property.

"2. You will regret to learn that a complete success against the Sheipoo nest of Pirates has not been obtained without serious loss. We all deplore the death of a valuable Officer the Master Mr. Turner as also of a marine, and 15 others are wounded, three of whom have lost a leg, happily falling in with the P. and O. Steamer *Lady Mary Wood* on her way to Shanghai, the kindness of Captain Jameison enabled us to forward the cases of Amputation thither for quiet and comfortable treatment not obtainable in a brig actively employed.

"3. Timing the Tide, we entered the beautiful harbour of Sheipoo on 18th Inst. by its Northern Channel, on opening which pass the Piratical Squadron was observed moored in a good position with their guns commanding it, various banners flying and decks crowded with men—here the *Paoushun's* towing became invaluable, but although she was steaming her best and the *Bittern* was under sail, we were exposed to a continuous and heavy fire from the Piratical Squadron for nearly a quarter of an hour before we could anchor and spring into a good position for making a desirable return, but having closed within their first range very much of their fire went over us.

"4. We found ourselves opposed to 22 West Coast boats, 3 of them of very large size, one having a line of 14 guns bearing upon us attracted notice and was the earliest sunk going down with her banners flying; the Pirates stood to their guns well at first, for although engaging at reduced charge distance we were upwards of an hour silencing them, only occasionally ceasing to spring ship into position; then the remains of the crews either in large bodies took the shore, or tried to escape in two of their captures, one we dismasted and driving on shore they were overpowered by the country people; the *Paoushun* chased the other out of the Harbour and seized her outside. Only one of the 22 West Coast boats was found sufficiently uninjured to bring away, some went down before the guns could be removed, or blew up guns and all; the 21 wrecks were burnt and destroyed at low water.

"5. The country people assured us that there were upwards of 1000 chiefly Canton men in the Squadron with nearly 200 guns, varying in size and shape, the quantities of power, stink-pots and shot, etc. etc. found on board and destroyed was quite astonishing;

the Chiefs had given out that a war brig was coming in with a Steamer and that it should be seen how they the Pirates would deal with them. Ten or 12 of this squadron had met us to the Northward and had lately returned from Shangtung. The Sub Prefect having applied to me through Mr. Interpreter Sinclair for assistance in overpowering a body of 3 or 400 that threatened the Main Town of Sheipoo and had established themselves in a walled position commanding the main causeway into the city, I landed a strong Party under the 2nd Lieutenant who taking them in flank dislodged them without sustaining injury from the fire of their gingalls and following them up thoroughly dispersed or destroyed them, handing prisoners over to the Mandarins who I had requested to be in attendance, Mr. Sinclair kindly although not without personal risk accompanying the expedition.

"6. On following days we thoroughly examined the Islands, and Village, off which the Pirates were moored, this is at the Northernmost part of the harbour, somewhat sheltered by some small islands, the Main Town threatened by the Pirates being a mile further to the Southward opposite the Island of Tung-mun. How far the Village is piratical it is difficult to pronounce—doubtless there exists collusion between them, so said some of their neighbours; many of the Pirates had certainly been living onshore—they had been giving plays, and enjoying themselves; but doubting the honesty of my informers and seeing crowds of children about, I agreed with Mr. Sinclair (whose presence has been of the greatest assistance) that it was impossible to do more than warn the Villagers, through the Elders, of the risk they incurred by having any dealings with the Pirates, and required them to deliver up any munitions of war, late belonging to the fleet. Near one of the two stone Jetties projecting off from this village we found the two anchors deposed to before you as being there by Eli Boggs the American. The stocks and chains had been removed, parts of the chain were found cut into lengths mixed with their shot beside the large Guns onboard some of the fleet. These anchors, one marked 3185, the other *Tom Bowline Newcastle* besides a third smaller one which being Iron Stocked, without mark, might have served as the heavy Anchor of a Vessel such as the *Nymph*, we have brought away; it is fair to suppose as the deposition of Eli M. Boggs has been proved so correct in this instance that it is truthful throughout.

"7. Besides the recaptured Ningpo boat, we released one moderately large Shan-tung Trading Vessel, and two smaller ones of different builds, one for which no owner could be found we handed over to the Mandarins; it may be worthy of remark how determinedly the Pirates had arranged their plan of resistance. Besides removing guns to the side engaged, in some instances the Guns on the inshore side of their Craft were turned round so as to fire across their decks over the other tier; the Vessel we have brought away, was saved by their having moored one of the Merchant Craft alongside laden to the right depth with Coals, etc. etc. so that their guns just peered over her, then came bales of Cotton between the muzzles of the guns on the decks of the Merchant Craft. This most complete

and curious battery I examined myself before it was removed. One of our shells had fired some of the cotton or powder about her decks, but no shot had penetrated through the fender. The two other Merchant Vessels moored for same purpose but lacking the lading had proved useless; we have brought away 100 guns and retained one Prisoner who volunteering evidence it may be useful to keep for examination.

"8. Finally, yesterday having anchored off Sin-kea Moon Channel I sent boats to examine it and to push on to Potoo to offer assistance or passage hither to any Europeans remaining on that Island; neither Pirates nor Europeans were met with so I trust they have returned hither without accident; indeed the complete success of H.M. Sloop at Sheipoo may have the effect of ridding this neighbourhood for the present of all smaller villians, doubtless many such exist for boarding a Ningpo boat of no size armed with a small Gun, the man showed a pass of old date. At first the Official man sent hence with us declared him Pirate, then honest. Within an hour of his being allowed to proceed, fishing boats came to inform us that he was a Pirate. We should have difficulty in dealing with these smaller Craft as of course they would not attack the *Bittern* or her boats. I should have mentioned that examining the large village on Southern part of the Island of Tungmun the morning we left Sheipoo, Mr. Interpreter Sinclair was assured by the Chinese Elders that the entire remainder of the Pirates had been seized or cut off by the Country people.

"I have, etc.,

"(Signed) E. W. VANSITTART."

"Commander."

"HER MAJESTY'S SLOOP 'BITTERN,' TA-OUTSE HARBOUR OR
LEUCONG, 28th November, 1855.

"SIR,

"I have the honour to inform you of the success that has attended our proceedings in following up a squadron of well-armed Ningpo Rigged Piratical Boats which attacked the *Constitution* Coasting Craft under the American Flag on the 18th ultimo, killing one and wounding severely the owner, and only other White man onboard of her on that occasion.

"2. This man an American, one, Jno. Austin, recognised the villians, when yesterday Lieutenant Brock with a Party from H.M. Sloop succeeded, owing to the strong N. Wester blowing, in overtaking them with the *Paou-shun*, Merchant Steamer, and in destroying four, the greater part of the crews escaping to the shore.

"3. This service has been vastly benefited by the presence of Mr. Interpreter Meadows who enabled us to communicate with the petty Authorities and Villages on the Island of King-tang, and thereby in securing 5 prisoners chiefly Canton men who I send into Ningpo under charge of Mr. Meadows; he will explain particulars, and he fully merits some acknowledgement for services which have so greatly assisted us on this expedition.

"4. One of the Prisoners, a Cantonese, lame in the leg, has been

long known as a *Chief* onboard these smaller, and most mischievous, piratical Craft, and as they have at length set upon Foreign Vessels, it is desirable to check them without delay; in the absence of an American Consul at Ningpo, none can be more justified in carrying out the case than yourself, for to make them respect one flag must afford security to another.

"5. My orders call the *Bittern* Southward or I would willingly respond to your letter of the 19th Instant by delaying longer in this neighbourhood, for I fully agree with you in thinking the presence of a man of war desirable, and I have brought the subject to the notice of the Senior Naval Officer at Shanghai.

"I have, etc.,

"(Signed) E. W. VANSITTART,
"Commander.

"P.S.—I have omitted to state that Lieutenant Brock's landing force recovered from the Pirates 4 men Supercargoes and others lately captured in a Shan-tung Junk and held to ransom for 3,000\$. These men accompany Mr. Interpreter Meadows and may afford information to the Chinese Authorities."

APPENDIX G

GROSS VALUE OF TRADE AT THE CHINESE TREATY PORTS IN THE YEAR 1905. REPRESENTING THE VALUE OF GOODS FOR WHICH PERMITS WERE ISSUED AT EACH PORT.

	Taels.		Taels.
Newchwang . . .	62,219,203	Santuaio . . .	2,220,072
Chinwangtao . . .	22,268,701	Foochow . . .	23,665,493
Tientsin . . .	104,044,524	Amoy . . .	24,170,586
Chefoo . . .	49,573,786	Swatow . . .	50,016,854
Kiaochow . . .	22,380,888	Canton . . .	93,344,010
Chungking . . .	27,738,063	Kowloon . . .	42,946,800
Ichang . . .	67,152,560	Lappa . . .	17,446,497
Shasi . . .	1,344,440	Kongmoon . . .	3,462,936
Changsha . . .	5,931,522	Samshui . . .	3,883,267
Yochow . . .	492,928	Wuchow . . .	11,190,833
Hankow . . .	133,143,900	Kiungchow . . .	6,892,838
Kiukiang . . .	23,287,604	Pakhoi . . .	2,849,669
Wuhu . . .	30,656,577	Lungchow . . .	230,452
Nanking . . .	10,624,699	Mengtsz . . .	9,592,945
Chinkiang . . .	33,559,746	Szemaio . . .	240,848
Shanghai . . .	710,929,331	Tengyueh . . .	1,679,999
Soochow . . .	4,252,479	Inland Transit . . .	94,566,506
Hangchow . . .	17,539,882		
Ningpo . . .	19,764,048		1,737,546,961
Wenchow . . .	2,235,475		

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